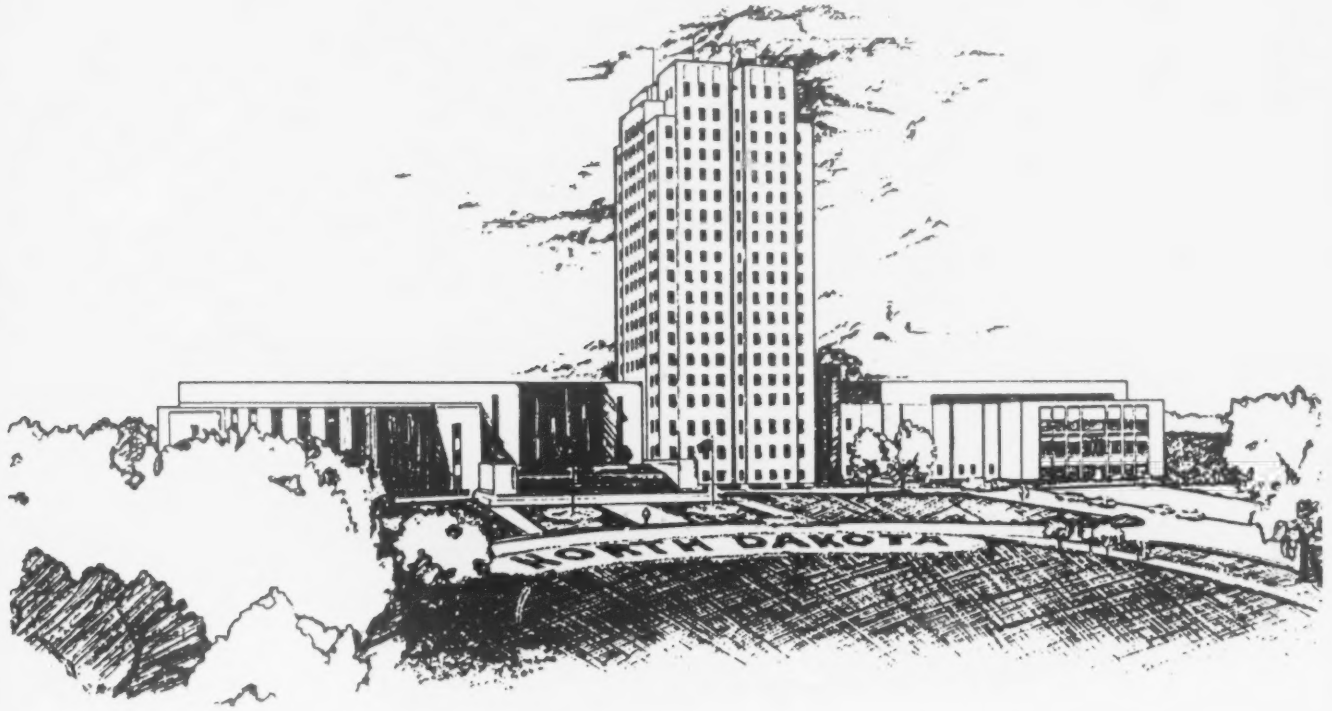
ANNUAL REPORT OF THE

NORTH DAKOTA JUDICIAL SYSTEM

Calendar Year 1987



William G. Bohn
Executive Secretary

State of North Dakota

OFFICE OF STATE COURT ADMINISTRATOR

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TO THE HONORABLE CHIEF JUSTICE
AND JUSTICES OF THE SUPREME COURT
OF THE STATE OF NORTH DAKOTA:

TO THE HONORABLE MEMBERS OF THE
NORTH DAKOTA JUDICIAL CONFERENCE:

Once again, I am pleased to submit to you the Annual Report of the North Dakota judicial system. This report highlights the activities of the North Dakota judicial system during calendar year 1987. It provides statistical information on our courts and reports on other developments and activities which are shaping our judicial system. It should prove valuable as a reference source for anyone wishing to learn about the operation of the judicial system in North Dakota.

I take this opportunity to publicly acknowledge the valuable assistance and cooperation extended to me by the judges and court personnel whose reports provided the information contained in the Annual Report. Particular thanks go to the staff of the State Court Administrator's office for their diligent work in compiling the statistics and designing the format for this work.

Respectfully submitted,

W. Bohn

WILLIAM G. BOHN
State Court Administrator and
Judicial Conference Executive
Secretary

WGB/ms

Table of Contents

Page

The Structure of the North Dakota Judicial System 4

A Profile of the North Dakota Judicial System 5

The Supreme Court 6

The Caseload of the Supreme Court 7

North Dakota Court of Appeals 8

District Courts 9

- Report of the Northwest Judicial District 15
- Report of the Northeast Judicial District 16
- Report of the Northeast Central Judicial District 17
- Report of the East Central Judicial District 18
- Report of the Southeast Judicial District 19
- Report of the South Central Judicial District 20
- Report of the Southwest Judicial District 21

County Courts 22

Municipal Courts 26

Administration of the Judicial System 28

Office of the State Court Administrator 29

Advisory Committees of the Judicial System 31

Disciplinary Board of the Supreme Court 34

Judicial Conduct Commission 35

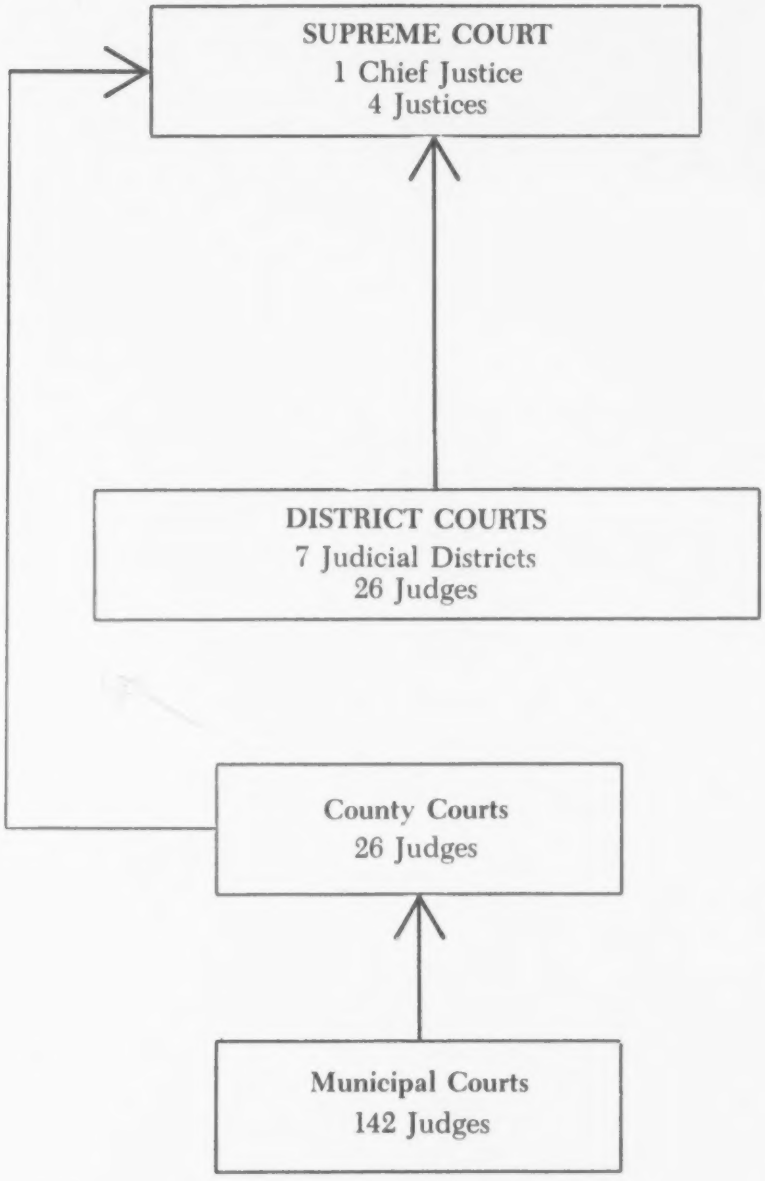
State Bar Board 35

Judicial Conference 36

Membership of the North Dakota Judicial Conference 37

Fund Balances — All Governmental Fund Types & Expendable Trust Funds 38

The Structure of the North Dakota Judicial System



Profile of the North Dakota Judicial System

Structure of the Court System

The original constitution of the State of North Dakota created a judicial system consisting of the supreme court, district courts, justice of the peace courts, and such municipal courts as provided by the legislature. This judicial structure remained intact until 1959 when the Legislature abolished the justice of peace courts in the state.

The adoption of a new judicial article to the state constitution in 1976 significantly modified the constitutional structure of the judicial system. The new judicial article vested the judicial powers of the state in a unified judicial system consisting of a supreme court, district courts, and such other courts as provided by law. Thus, under the new judicial article, only the supreme court and the district courts have retained their status as constitutional courts. All other courts in the state are statutory courts.

In 1981 the Legislature further altered the structure of the judicial system by enacting legislation which replaced the multi-level county court structure with a uniform system of county courts throughout the state. This new county court structure became effective on January 1, 1983.

With the new county court system in place, the judicial system of the state consists of the supreme court, district courts, county courts, and municipal courts.

Administrative Authority

In addition to these structural changes, the new judicial article clarified the administrative responsibilities of the supreme court by designating the Chief Justice as the administrative head of the judicial system and by granting the Chief Justice the authority to assign judges for temporary duty in any nonfederal court in the state. It also acknowledged the supreme court's rulemaking authority in such areas as court procedure and attorney supervision.

Selection and Removal of Judges

All judges in North Dakota are elected in nonpartisan elections. Justices of the supreme court are elected for ten-year terms; district court judges for six-year terms, and all other judges for four-year terms.

Vacancies in the supreme court and the district courts can be filled either by a special election called by the governor or by gubernatorial appointment. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominating Committee must first submit a list of nominees to the governor from which the governor makes an appointment. Whether the vacancy is filled by a special election or by appointment, the person filling the judicial vacancy serves only until the next general election. The person elected to the office at the general election serves for the remainder of the unexpired term.

Vacancies in the various county courts are filled by the board of county commissioners of the county where the vacancy occurs or by a special election called by the board of county commissioners. If the county commissioners choose to fill the vacancy by appointment, they must select from a list of nominees submitted by the Judicial Nominating Committee.

If a vacancy occurs in a municipal court, it is filled by the executive officer of the municipality with the consent of the governing body of the municipality.

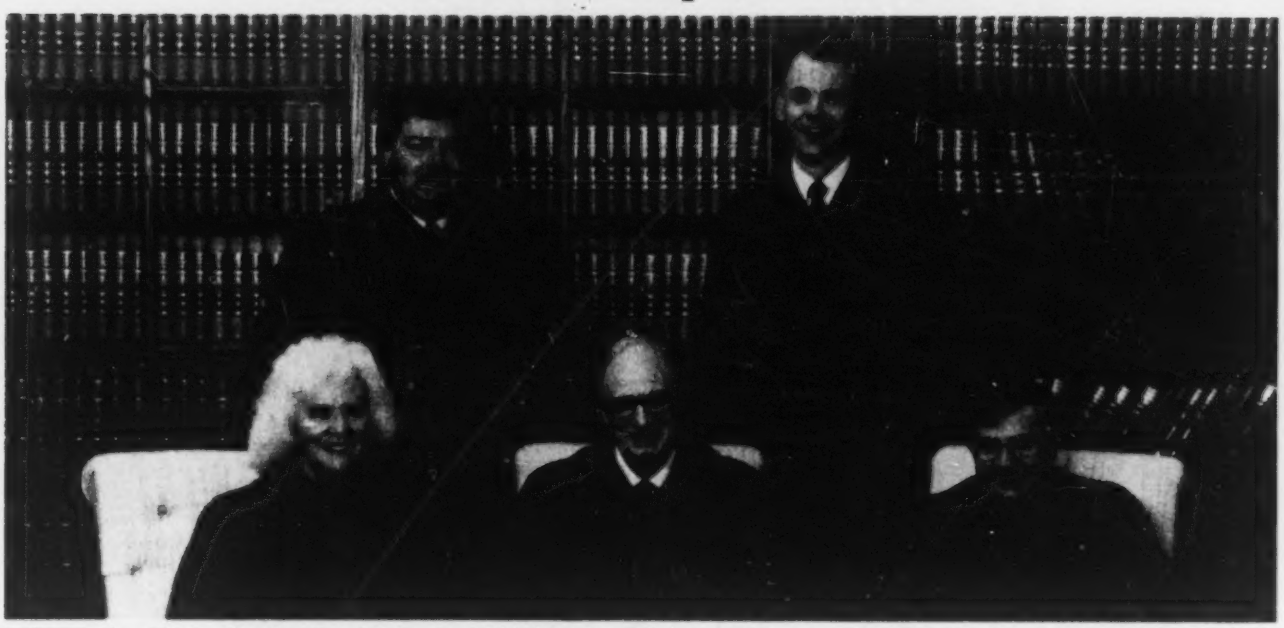
Under the North Dakota Constitution only supreme court justices and district court judges can be removed from office by impeachment. All judges, however, are subject to removal, censure, suspension, retirement or other disciplinary action for misconduct by the supreme court upon the recommendation of the Judicial Conduct Commission. Other methods for the retirement, removal and discipline of judges can be established by the legislature.

CASELOAD OVERVIEW OF NORTH DAKOTA COURTS
FOR 1986 AND 1987

Level of Court	Filings 1987	Filings 1986	Dispositions 1987	Dispositions 1986	Pending at Year's End 1987	Pending at Year's End 1986
Supreme Court	382	377	357	357	245	220
District Courts	18,416	18,008	16,146	17,194	10,319	8,049
County Courts	93,412	91,307	92,647	91,412	19,103	18,338
TOTAL						

**This chart previously contained information from municipal courts obtained from the Highway Dept. Since that information is no longer available municipal courts have been excluded from this chart. For further information see municipal court sections of this annual report.*

North Dakota Supreme Court



Left to right: (Sitting) Justice Beryl J. Levine; Chief Justice Ralph J. Erickstad; and Justice Herbert L. Meschke; (Standing) Justice H.F. Gierke and Justice Gerald W. VandeWalle.

The North Dakota Supreme Court has five justices. Each justice is elected for a ten-year term in a nonpartisan election. The terms of the justices are staggered so that only one judgeship is scheduled for election every two years. Each justice must be a licensed attorney and a citizen of the United States and North Dakota.

One member of the supreme court is selected as chief justice by the justices of the supreme court and the district court judges. The chief justice's term is for five years or until the justice's elected term on the court expires. The chief justice's duties include presiding over supreme court conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: (1) adjudicative and (2) administrative.

In its adjudicative capacity, the supreme court is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts and the county courts. All appeals from these courts must be accepted for review by the court. In addition, the court also has original jurisdiction authority and can issue such original and remedial writs as are necessary to exercise this authority.

The state constitution requires that a quorum, composed of a majority of the justices, is necessary before the court can conduct its judicial business. It also stipulates that the court cannot declare a legislative enactment unconstitutional unless four of the justices so decide. When the court decides an appeal, it is required to issue a written opinion stating the rationale for its decision. Any justice disagreeing with the majority decision may issue a dissenting opinion which explains the reasons for the disagreement with the majority.

In its administrative capacity, the supreme court has major responsibilities for ensuring the efficient and effective operation of all nonfederal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession, and promulgating procedural rules which allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility, the court has general rulemaking authority.

The court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises its authority to admit and license attorneys through the State Bar Board. Its supervision of leagl ethics is exercised through the Disciplinary Board of the Supreme Court and its supervision of judicial conduct is exercised through the Judicial Conduct Commission. Continuing review and study of specific subject areas within its administrative jurisdiction is provided through four advisory committees-the Joint Procedure Committee, the Attorney Standards Committee, the Judiciary Standards Committee, and the Court Services Administration Committee. Other committees, such as the Judicial Planning Committee and the Judicial Training Committee also provide valuable assistance to the supreme court in important administrative areas.

Administrative personnel of the supreme court also play a vital role in helping the court fulfill its administrative functions. The clerk of the supreme court supervises the calendaring and assignment of cases, oversees the distribution and publication of supreme court opinions and administrative rules and orders, and decides certain procedural motions filed with the court. The state court administrator assists the court in the preparation of the judicial budget. The state court administrator prepares statistical reports on the workload of the state's courts, provides judicial educational services, and performs such other administrative duties that are assigned to him by the supreme court. The state law librarian supervises the operation of the state law library and serves as court bailiff when the court is in session.

Supreme Court Caseload for Calendar Year 1987

At the close of business on December 31, 1987, the first full year of case docketing exclusively by data processing was concluded. As in 1986, the overall workload of the Supreme Court increased in 1987. A total of 382 new appeals filed during 1987 brought the total cases on the docket at the close of business on December 31, 1987, to an unprecedented 602 cases. A decline of almost 9% in criminal appeals filed, which contrasts to an increase of 18.4% in criminal appeals filed in 1986, was revealed in year-end reports. However, there was a modest increase of 4.5% in civil appeals filed in 1987 compared with last year's 9.5% increase.

CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 1986 AND 1987 CALENDAR YEARS

	1987	1986	Percent Difference
New Filings	382	377	1.3
Civil	300	287	4.5
Criminal	82	90	-8.9
Filings Carried over from Previous Calendar Year	220	200	10.0
Civil	172	156	10.3
Criminal	48	44	9.1
Total Cases Docketed	602	577	4.3
Civil	472	443	6.5
Criminal	130	134	-3.0
Dispositions	357	357	0.0
Civil	279	271	3.0
Criminal	78	86	-9.3
Cases Pending as of December 31	245	220	11.4
Civil	193	172	12.2
Criminal	52	48	8.3

Dispositions by opinion by the Supreme Court averaged 50 cases per justice. Disposition by opinion and order averaged 71 cases per justice for a total of 357 dispositions, the same as 1986.

The volume of pre-argument motions considered by the Court at administrative conferences was unusually high during 1987. These motions consisted of applications for original Writs of Mandamus, Habeas Corpus, or superintending control; also included were Motions for Stay of Execution of Judgment, Petitions for Release Pending Appeal, and requests to proceed in forma pauperis. These motions frequently require immediate attention and are sometimes crucial to the appeal. The time required by the justices to study, confer, and rule on these motions is considerable, difficult to estimate, and not readily ascertainable. Petitions for original jurisdiction were filed in 24 cases. The Court also considered nine disciplinary actions during the year.

The Court's computer system is able to produce a majority of the above statistics, but it is also designed to monitor all briefs, transcripts, responses to motions and other documents due in the Supreme Court for all cases. It also generates the monthly calendars which represents a significant saving of time from the manual system. The name and addresses of members of the State Bar Association and their current status is included on the system.

Data processing has also provided statistics formerly not available to us. For instance, reports concerning the nature or subject matter of the appeal, number of appeals per trial judge, or judicial district can be produced.

The highest number of appeals originated in the South Central Judicial District followed by the East Central Judicial District.

DISPOSITIONS - 1987

	Civil	Criminal
BY OPINION:		
Affirmed; Modified and Affirmed	114	34
Reversed; Reversed and Remanded; Reversed and Modified	46	12
Affirmed in Part and Reversed in Part	26	
Judgment Vacated and Remanded	0	
Remanded	1	1
Dismissed	1	1
Discipline Imposed	8	
Original Jurisdiction — Granted	3	
Certified Question	2	
Dispositions by Opinion	201	48
BY ORDER:		
Dismissed	66	20
Discipline Inactive Status	1	
Original Jurisdiction — Granted	2	1
Original Jurisdiction — Denied	9	9
Dispositions by Order	78	30
Total Dispositions for 1987	279	78

The number of appeals per district correlates somewhat to the size of the caseloads of the various districts.

In the South Central, East, Southeast and Northeast Judicial districts, the ratio of appeal to caseload runs between 2 and 3% of the 1987 caseload, a rate somewhat higher than the other districts. In the Southwest Judicial District the rate of appeal is nearly 2% of the caseload. The Northwest Judicial District's appeal rate is only slightly more than 1% of its caseload, and in the Northeast Central Judicial District, the percent of appeals to total caseload is less than 1%.

The Court spent 74 days in Court to hear arguments in 246 cases and 10 proposed rules changes. The justices ordinarily heard four arguments per day. In 1987 on several days the Court heard five arguments in one day.

In *Justice on Appeal* Professors Carrington, Meador and Rosenberg in considering the merits of oral argument in Appellate Courts say:

> "It is our judgement that very few judges can reasonably be expected to be prepared and vigorous in listening to and participating in more than four arguments in a single day or twenty arguments in a single week. Even if most of the cases are fairly simple, a fifth argument in a single day will likely overtax a person's ability to recall the information secured from the written briefs and will strain the listener's attention span beyond the breaking point. Even if a fifth argument in a single day can be borne occasionally, it must be compensated for with additional preparation time on the day before or after. A judge who has heard 20 arguments over a period of four or five days has had a very full week indeed. In fact, a substantial period of re-charging is necessary between such undertakings. Few judges can take more than ten such weeks in a year and be adequately prepared, and also perform all of their other duties. Thus calculated, 200 arguments a year is a reasonable limit for a judge."

North Dakota Court of Appeals

The 1987 legislature established the North Dakota court of appeals, effective July 1, 1987, through January 1, 1990. This experimental appellate court service was established to assist the North Dakota supreme court in meeting its increasing work load.

The court of appeals is available to assist the supreme court if the chief justice certifies to the governor that the supreme court has disposed of 250 cases in a twelve month period preceding September 1 of any year.

Each panel of the court of appeals consists of three judges who may be active or retired district court judges, retired justices of the supreme court or lawyers. The court of appeals uses the courtroom of the North Dakota supreme court and may sit in other locations.

The supreme court has established administrative rule 27 to govern the court of appeals. A majority of three judges of a panel is necessary to pronounce a decision. The panels of the temporary court of appeals have jurisdiction to hear and decide all cases assigned by the supreme court. All proceedings before the court of appeals follow the rules of procedure for the North Dakota supreme court and administrative rule 27. The supreme court may review the decision of a panel of the court of appeals.

Clerk services for the court of appeals are provided by the clerk of the supreme court. The chief justice of the supreme court designates a chief judge for each panel of a court of appeals.

Two terms of the new court were held in 1987. Judges assigned to the first panel were:

Eugene A. Burdick, Surrogate Judge
Vernon R. Pederson, Surrogate Judge
Douglas B. Heen, Surrogate Judge

Second panel:

Roy A. Ilvedson, Surrogate Judge
A. C. Bakken, Surrogate Judge
James H. O'Keefe, District Judge

During 1987 the first panel heard three cases in October and the second panel was called in December and heard three cases.

Decisions were filed in two cases during the calendar year 1987. There were no petitions for rehearing filed but petitions for review were filed in both cases. Both petitions were denied by the supreme court.

District Courts

There is a district court in each of the state's fifty-three counties. They have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal felony cases and have concurrent original jurisdiction with the county courts in all criminal misdemeanor cases.

The district courts also serve as the juvenile courts in the state. Under Chapter 27-20, NDCC, which enacted the Uniform Juvenile Court Act, the district court has exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. This jurisdiction was expanded in 1981 when the legislature adopted legislation granting the juvenile court jurisdiction over all cases where a female minor is seeking judicial authorization to obtain an abortion without parental consent. Unlike a majority of the other states, the responsibility of supervising and counseling juveniles who have been brought into court lies with the judicial branch of government in North Dakota. To meet these responsibilities, the presiding judge of each judicial district has the authority to appoint juvenile supervisors, probation officers, and other support personnel. The employees must perform their responsibilities independently of the judges who preside in juvenile court in order to preserve the judges' impartiality. In addition to these personnel, the presiding judge may also appoint judicial referees in place of district court judges to preside over juvenile proceedings, judgment enforcement proceedings, and domestic relations proceedings other than contested divorces.

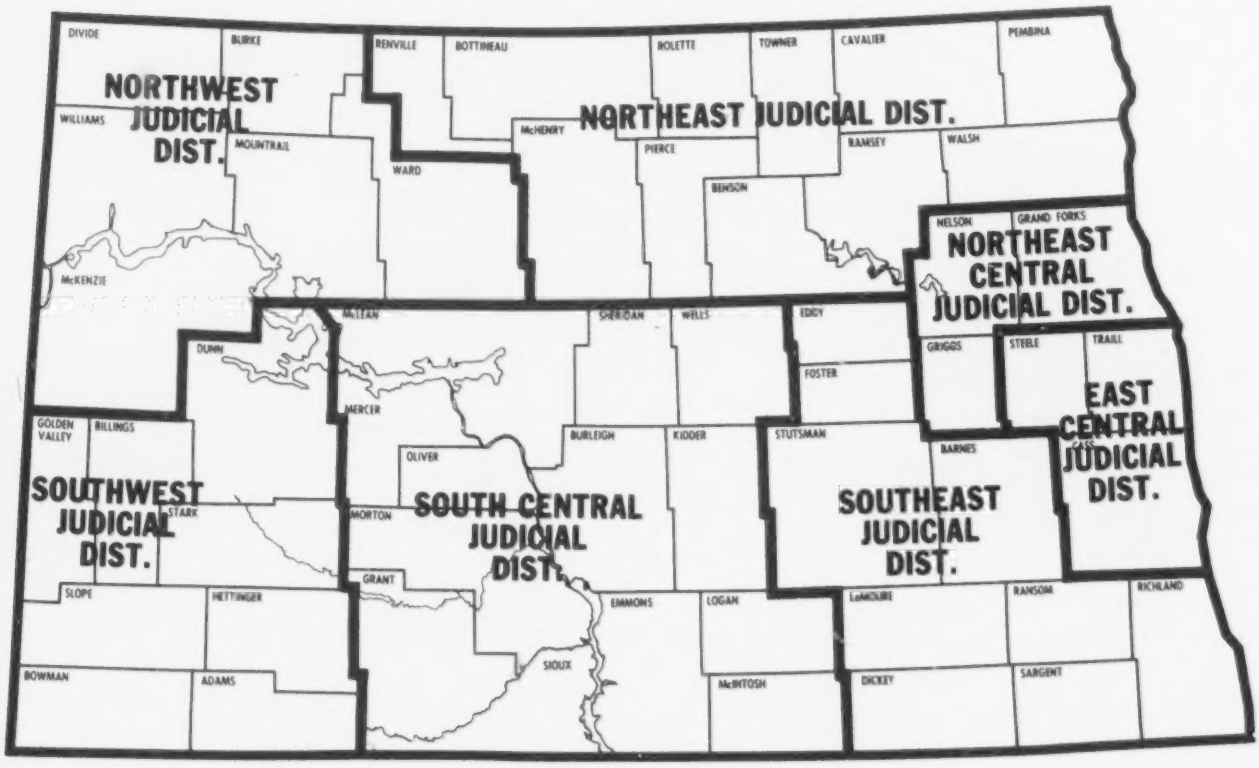
The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, they do not conduct a retrial of the case. Their decisions are based on a review of the record of the administrative proceeding conducted by the administrative agency under review.

In 1979 the supreme court divided the state into seven judicial districts. In each judicial district there is a presiding judge who acts as the chief judicial administrative officer for the district. All presiding judges are appointed by the chief justice with the approval of the supreme court. The duties of the presiding judge, as established by the supreme court, include convening regular meetings of the judges within the judicial district to discuss issues of common concern, assigning cases among the judges of the district, and assigning judges within the judicial district in cases of demand for change of judge.

There are twenty-six district judges in the state. The South Central Judicial District and the Northwest Judicial District each have five judges, the East Central Judicial District has four judges, and each of the remaining four judicial districts has three district judges. All district court judges are required by the state constitution to be licensed North Dakota attorneys and citizens of the United States and North Dakota.

The office of district court judge is an elected position filled every six years in a nonpartisan election held in the district in which the judge will serve. If a vacancy occurs, the governor may either fill the vacancy by appointing a candidate from a list of nominees submitted by a Judicial Nominating Committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge serves until the next general election, at which time the office is filled by election for the remainder of the term.

NORTH DAKOTA JUDICIAL DISTRICTS



District Court Caseload

The district court caseload continued to show the increase in filing that has been evident since 1980. There was a 2% increase in new filings, compared with a 3% increase in dispositions.

The three major components of the district court caseload have remained stable in comparison with previous years. The civil component continues to be the largest category of cases making up 84% of the district court filings. Criminal and juvenile filings each contribute 8% of the district court caseload. These percentages have been very similar since 1980.

There were increased filings in six of the seven districts resulting in an additional 16 cases filed per judge on a statewide average. The overall increase is generally reflective of the civil filing within each district. Despite the addition of two district judges since 1980, the statewide average of filings per judge has increased 110 cases in that time period.

The percentage of change in criminal filing varies greatly from year to year, caused in part by the relatively small number of cases. For example the South Central Judicial District showed an increase of 53 criminal filings in 1986 when compared with 1985. However, the filings fell off 43 cases between 1986 and 1987. The total number of dispositions increased by 432 cases (3.0%) in 1987. This raised the per judge average to 678 compared with 661 in 1987 and 580 cases in 1980.

Despite the increase in dispositions, the increased filings resulted in 8,837 cases pending at the end of 1987 compared with 8,049 cases pending at the end of 1986.

TYPES OF CASES FILED IN THE DISTRICT COURT DURING 1987

DOMESTIC RELATIONS (8,361) 46.2%
CONTRACT AND COLLECTIONS (3,594) 19.9%
CRIMINAL CASES (1,554) 8.6%
JUVENILE CASES (1,480) 8.2%
PROPERTY RELATED (1,634) 9.0%
OTHER CIVIL (1,475) 8.2%

DISTRICT COURT CASELOAD FOR CALENDAR YEARS 1987 AND 1986

	1987	1986	Percent Difference
New Filings	18,416	18,008	+2.3
Civil	15,382	15,085	+1.96
Criminal	1,554	1,482	+4.9
Juvenile	1,480	1,441	+2.7
Cases Carried Over From Previous Year	8,049	7,235	+11.3
Civil	7,479	6,834	+9.4
Criminal	570	401	+42.1
Juvenile	—	—	—
Total Cases Docketed	26,465	25,243	+4.8
Civil	22,861	21,919	+4.3
Criminal	2,124	1,883	+12.8
Juvenile	1,480	1,441	+2.7
Dispositions	17,626	17,194	+2.5
Civil	14,733	14,440	+2.0
Criminal	1,413	1,313	+7.6
Juvenile	1,480	1,441	+2.7
Cases Pending as of December 31	10,319	8,049	+28.2
Civil	8,128	7,479	+8.7
Criminal	711	570	+24.7
Juvenile	—	—	—

DISTRICT COURT CASE TYPE FILING — 1987

CIVIL

Case Type	Filings
Property Damage	150
Personal Injury	359
Malpractice	42
Divorce	2,943
Adult Abuse	338
Custody	60
Support Proceed.	4,048
Adoption	400
Paternity	436
Admin. Appeal	319
Appeal Other	42
Contract/Collect	3,594
Quiet Title	130
Condemnation	26
Forcible Detain	7
Foreclosure	1,484
Change of name	136
Special Proceed.	82
Trust	46
Foreign Judgment	422
Other	318
County Total	15,382

CRIMINAL

Case Type	Filings
Felony A	128
Felony B	370
Felony C	989
Misdemeanor A	24
Misdemeanor B	13
Infraction	0
Special Remedy	2
Appeal	3
Other	25
County Total	1,554

Civil Caseload

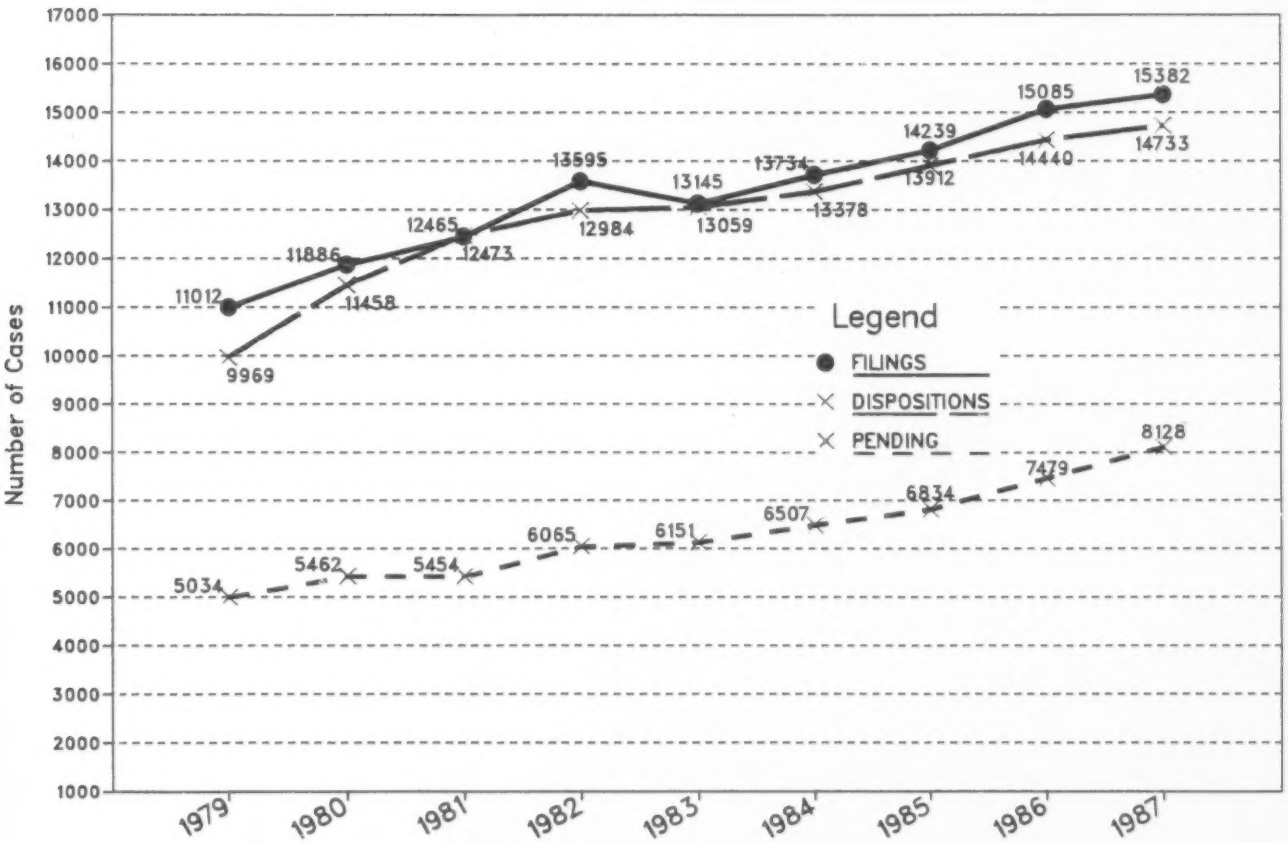
Civil filings increased by 2%, continuing a steady increase over the past several years. However, for the second consecutive year, civil filings increased in district court, while decreasing in county court, (-6.5% in 1987 compared to 1986).

Within the civil caseload, domestic relations cases made up 56% of all filings. As a category, the domestic relations filings increased 7% in 1987, following a 6% increase in 1986. Child support actions make up 48% of the domestic relations cases, divorce 35%, adoption and paternity 5% each, adult abuse 4%, and custody less than 1%.

Adult abuse filings leveled off after two years of significant increases. Filing had increased from 156 in 1984 to 236 in 1985 (a 51% increase). They increased 56% in 1986 to 367 filings. However, the filing fell to 338 filings in 1987, an 8% decrease from 1986.

The filing in child support proceedings continued its dramatic increase while paternity cases decreased slightly. Support proceedings increased 11% in 1987 while paternity decreased by 20 cases. Additionally, agreements with the Department of Human Services have resulted in new time standards for support proceedings. In general, the agreement calls for the disposition of 90% of these cases in 90 days, 98% in 180 days, and 100% in one year.

ND CIVIL CASELOAD COMPARISONS FOR
DISTRICT COURT FOR 1979 — 1987



Criminal Caseload

North Dakota traditionally ranks as one of the lowest crime areas in the nation, especially for violent crimes (50th for the last several years). This fact is reflected in the relatively small number of felony filings and in the types of felony charged.

Of all the criminal cases filed in district courts, 8 % were felony A, 24 % felony B, 64 % felony C and 4 % were infractions of other criminal filings. This proportion of cases has been relatively constant over the last several years.

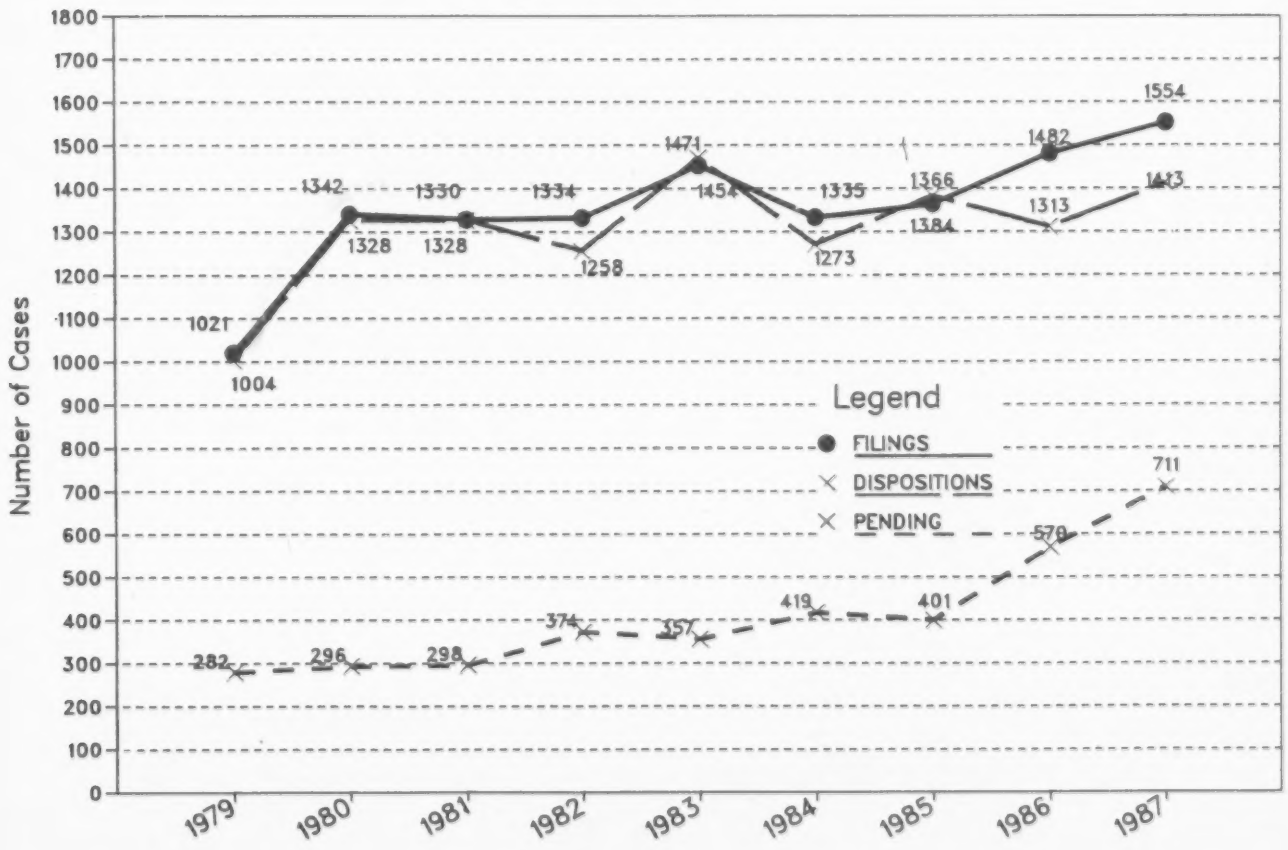
In 1987 there was a 5 % increase in criminal filings (72 cases). As can be seen from the chart below, the number of felony cases had been stable from 1980 through 1984, however, the last three years have shown steady increases.

Statewide 22 % of criminal cases were disposed of by trial. Jury trial accounted for 14 % of the trials, or 44 cases. This compares with 57 jury trials in 1986.

As with civil cases, docket currency standards have been established for criminal cases. These standards require criminal cases to be decided within 120 days of the filing of the information or indictment in district court. The presiding judge of the district or the chief justice can waive these standards for specific cases if good cause is demonstrated. At the end of 1987 approximately 28 percent of the pending criminal cases failed to meet the 120 day standard set by the docket currency standards, but were properly waived. By comparison, 23 percent of the criminal cases pending at the end of calendar year 1986 were older than 120 days.

The graph below shows the various trends since 1979 for criminal filings, dispositions, and pending cases.

CRIMINAL CASELOAD COMPARISON FOR DISTRICT COURT
FOR 1979 — 1987



Juvenile Caseload

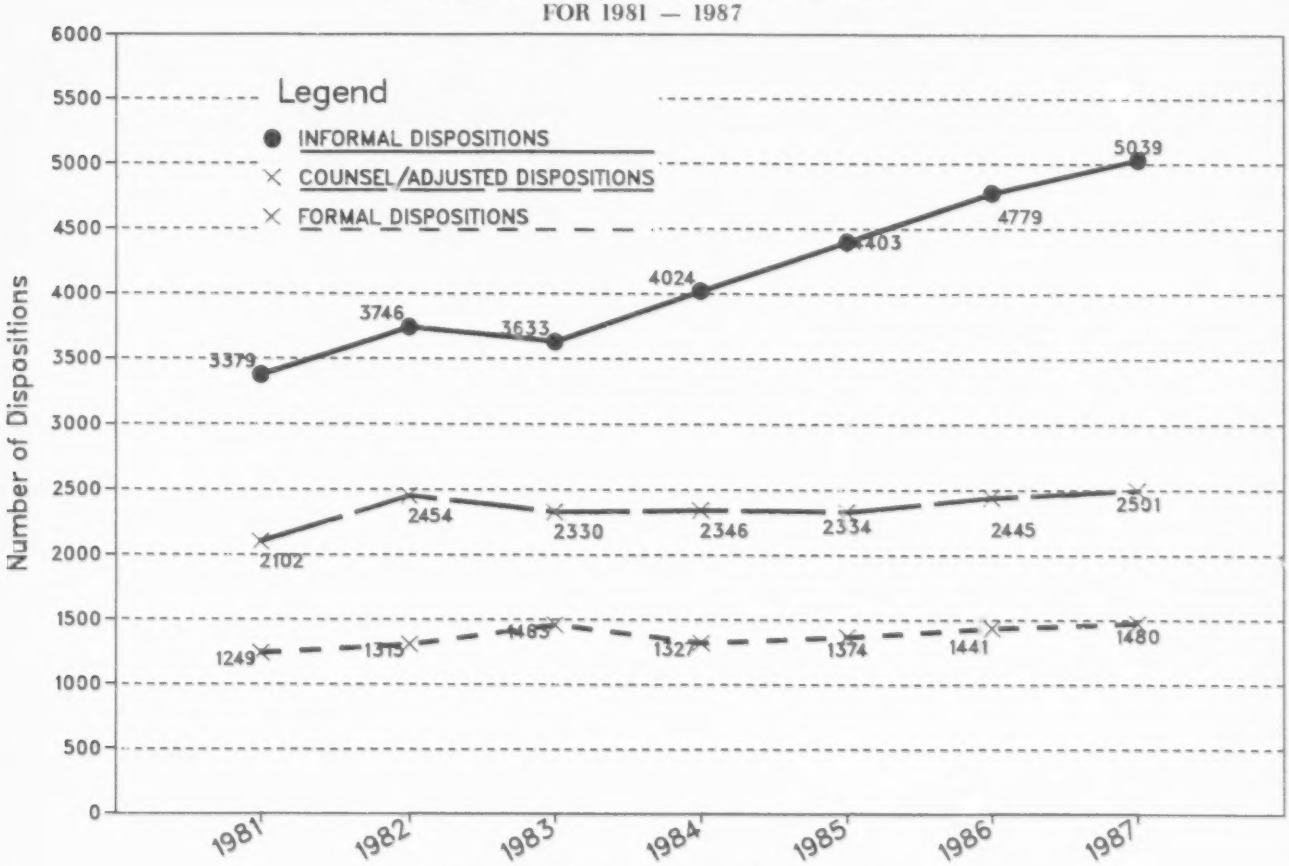
As with the criminal caseload, the low violent crime rate in North Dakota is reflected in the juvenile court statistics. Offenses against persons made up only 3% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 15% of the caseload, offenses against property 34%, traffic offenses 6%, deprivation 15%, and other filings 27%.

The method by which cases were disposed showed a continued increase in using informal supervision. In 1987, 56% of the cases were disposed of through informal adjustments, 28% were counseled and adjusted, and 16% were handled formally. This compared with 55% informal, 17% formal and 28% counseled and adjusted in 1986.

Overall, the juvenile court caseload increased by 4% continuing a trend of the last several years.

The table below compares the reasons for referral to juvenile court in 1986 and 1987. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral followed by misdemeanor thefts. Overall, the major reason for referrals in 1987 have changed little from those recorded in 1986. The number of deprivation cases decreased slightly for the second consecutive year despite the continued increase of reports of child abuse to the Department of Human Services. Interestingly, traffic offenses increased by 39%, probably as a result of the transfer of alcohol involved juvenile traffic offenses to the juvenile court.

COMPARISON OF JUVENILE DISPOSITIONS
FOR 1981 — 1987



TYPES OF JUVENILE COURT DISPOSITIONS
FOR 1986 AND 1987

Judicial District	Formal 1987	Formal 1986	Informal 1987	Informal 1986	Counsel/ Adjusted 1987	Counsel/ Adjusted 1986	Total Dispositions 1987	Total Dispositions 1986	Percent Difference For Total Dispositions
Northwest	145	149	916	829	207	186	1,268	1,164	+8.9
Northeast	218	204	373	400	723	672	1,314	1,276	+2.97
Northeast Central	167	200	739	717	155	54	1,062	971	+9.4
East Central	419	316	475	517	677	687	1,571	1,520	+3.4
Southeast	181	212	649	635	294	272	1,124	1,119	+.44
South Central	285	286	1,751	1,544	315	404	2,351	2,234	+5.2
Southwest	65	74	136	137	130	170	331	381	-13.1
TOTAL	1,480	1,441	5,039	4,779	2,501	2,445	9,021	8,665	+4.1

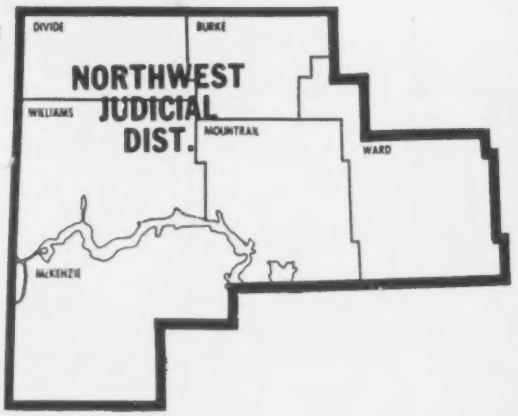
REASON FOR REFERRAL TO JUVENILE COURT SERVICES IN 1986 AND 1987

	1987	1986	Percent Difference
UNRULY	1,372	1,217	+12.7
Runaway-Instate	479	362	+32.3
Runaway-out-of-state	63	51	+23.5
Truancy	155	165	-6.1
Ungovernable Behavior	383	427	-10.3
Conduct/Control Violation	53	43	+23.3
Curfew Violation	196	135	+45.2
Other	43	34	+26.5
DELINQUENCY	6,051	5,812	+4.1
Offense Against Person	247	203	+21.7
Assault	127	123	+3.3
Homicide	1	1	0
Kidnapping	0	0	0
Sex Offense	58	46	+26.1
Other	61	33	+84.8
Offense Against Property	3,073	2,848	+7.9
Arson	17	4	+325
Burglary	186	191	-2.6
Criminal Mischief	540	496	+8.9
Criminal Trespass	219	159	+37.7
Forgery	31	77	-59.7
Robbery	3	4	-25
Theft-Misdemeanor	1,165	1,098	+6.1
Theft-Felony	639	614	+4.1
Unauthorized Use of Vehicle	122	99	+23.2
Other	151	106	+42.4
Traffic Offenses	575	415	+38.6
Driving w/o license	389	321	+21.2
Negligent Homicide	3	3	0
Other	183	91	+101
Other Offenses	2,156	2,346	-8.1
Disorderly Conduct	242	236	+2.5
Firearms	31	34	-8.8
Game & Fish Violation	63	47	+34.04
Obstruction of Law	31	25	+24
Possession or Purchase of Alcohol Beverage	1,594	1,828	-12.8
Controlled Substance Violation	65	73	-10.95
Other	130	103	+26.2
DEPRIVATION	1,335	1,421	-6.1
Abandoned	0	4	-100
Abuse/Neglect	917	976	-6.04
Deprived	404	418	-3.3
Other	14	23	-39.1
SPECIAL PROCEEDINGS	137	143	-4.2
Involuntary Termination of Parental Rights	22	11	+100
Voluntary Termination of Parental Rights	86	95	-9.5
Other	29	37	-21.6
TOTAL	8,895	8,593	+3.5

Report of the Northwest Judical District

The Honorable Wallace D. Berning, Presiding Judge
William Blore, Court Administrator

District Court Judges: Wallace D. Berning, Presiding Judge; Jon R. Kerian; Everett Nels Olson; William M. Beede; and Bert L. Wilson.
County Court Judges: Gary A. Holum; Gordon C. Thompson; Robert W. Holte; and William W. McLees, Jr.
Number of Counties in District: 6
District Court Chambers: Minot and Williston



Personnel:

District Judges Beede and Wilson have primary responsibility for cases in Williams, Divide and McKenzie counties. Judges Berning, Olson and Kerian have primary responsibility for cases in Ward, Burke and Mountrail counties.

In Ward county Judge Gary Holum is continuing to utilize the services of referee Mark Flagstad for small claims litigation. The increased caseload compelled Judge Holum to recommend to the county commissioners additional judicial staff, which is currently under consideration. Judge Holte continues to serve Burke, Mountrail and Divide counties. Judge McLees serves McKenzie county, and occasional assignments in Williams county.

After authorization was obtained to appoint part-time referees in Williams and Ward counties, a delay was encountered in filling the positions. It is anticipated factors requiring the delay should be overcome in the near future, thereby providing some relief from the current pressures to all areas of the district.

Facilities:

Legislation regarding changes in the DUI laws in North Dakota has resulted in an increased demand for jury trials at the county court level. A Judicial Facilities Committee has been organized in Ward county. Three county commissioners and three judges meet on a monthly basis to formulate both short-term and long-term planning to deal with the increased workload.

Williams county has installed several personal computers with a software program which includes the "One Write Accounting System" recommended by the State Court Administrator. These computers also provide automated criminal records retrieval, greatly reducing staff time previously dedicated to record searches.

Williams county opened its new detention facility during the summer of 1987 which meets all federal requirements for holding both unruly and delinquent children. The facility serves a four-county area and affords needed alternatives for the placement of children outside the home. Prior to this time, twenty-four hour supervision and separation could not meet state and federal standards.

Caseload Increases:

The depressed economic conditions of the region reflect an increase in the juvenile court caseloads, as well as child support enforcement and restitution collections throughout the district. Once again the Ward and Burke county juvenile court staff processed over 1,000 referrals with an excess of 100 formal hearings last year. A dramatic increase in felony violations was found in Mountrail county, while Divide, McKenzie and Williams remained constant. In the area of child support enforcement, Ward county had an increase of almost 1,000 cases, with collection district-wide exceeding $4,500,000. Most of the payments are in small monthly amounts and reflect an immense volume of activity and workload for the clerks of court. In 1987, $35,000 was collected in restitution at the district court level, and over $24,000 in attorney fees recovered, a priority in sentencing for several years.

Tapping Community Resources:

The Northwest District continues to place emphasis on the utilization of volunteers and students to supplement professional staff and clerical staff during the current budget crunch. Minot State University has provided student interns from their Criminal Justice and Legal Secretaries Programs on an ongoing basis. Ward county juvenile court has a full-time student intern in the probation department while the court administrator has a part-time secretarial student. In Williams county outreach services include a special program for grade school youth called "Awareness Program on Peer Pressure" in which juvenile court staff conduct classroom instruction. An additional program has teenage panelists visiting neighboring school districts to discuss alcohol and drug use under the supervision of the juvenile probation staff.

The Guardian ad Litem program continues to utilize local citizens who assist in formal juvenile court hearings and related deprivation matters. The district continues to seek additional methods of improving services within the current budget constraints.

NORTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1986 AND 1987

	1987	1986	Percent Difference
New Filings	3,072	3,046	+.85
Civil	2,679	2,633	+1.7
Criminal	248	264	-6.1
Juvenile	145	149	-2.7
Cases Carried Over From Previous Year	1,311	1,093	+19.94
Civil	1,232	1,047	+17.7
Criminal	79	46	+71.7
Juvenile	—	—	—
Total Cases Docketed	4,383	4,139	+5.9
Civil	3,911	3,680	+6.3
Criminal	327	310	+5.5
Juvenile	145	149	-2.7
Dispositions	3,017	2,828	+6.7
Civil	2,648	2,448	+8.2
Criminal	224	231	-3.0
Juvenile	145	149	-2.7
Cases Pending as of December 31	1,366	1,311	+4.2
Civil	1,263	1,232	+2.5
Criminal	103	79	+30.4
Juvenile	—	—	—

Report of the Northeast Judicial District

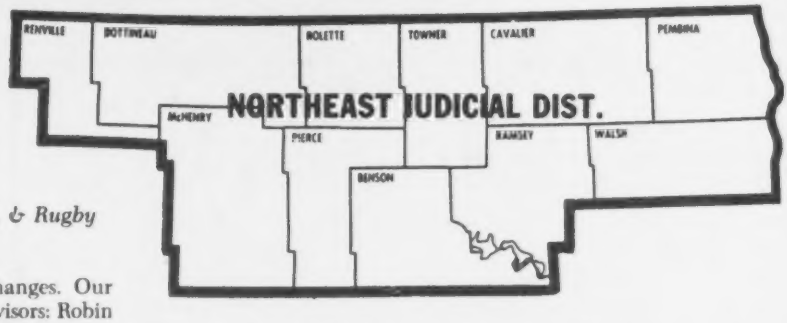
The Honorable James O'Keefe, Presiding Judge

District Court Judges: James O'Keefe, Presiding Judge; William A. Neumann, and Lee A. Christofferson.

County Court Judges: James M. Bekken, A.S. Benson, Thomas K. Metelmann, John C. McClintock, Ronald M. Dosch, and Theodore Weisenburger.

Number of Counties in District: 11

District Court Chambers: Devils Lake, Grafton, & Rugby



We began the year with extensive personnel changes. Our longtime lay referees were replaced by two new supervisors: Robin Gense, Peter Lippert and referee Dale Thompson. Mr. Thompson is officed in Rugby but travels throughout the district. Launee Lawyer and Karen Olson are new juvenile probation officers. Our new calendar control clerk is Lisa Fair Anderson. She also acts as a de facto court administrator.

Judge William A. Neumann became Chairman of the Judical Conference.

Three new county judges assumed office: Donovan Foughty, M. Richard Geiger and Lester S. Ketterling.

Judge Lee A. Christofferson has installed a new computer system for the Devils Lake chambers — the first for the district.

Judges M. Richard Geiger and Thomas K. Metelmann are operating as juvenile referees in the three eastern counties because the district is unable to fund more than one referee.

The Northeast Bar Association, meeting in Rugby in November, elected Maureen Foughty White Eagle President. The District Bar has been historically active and well attended. It is the only district remaining intact from the last round of redistricting. There was at the meeting a presentation on "tort reform."

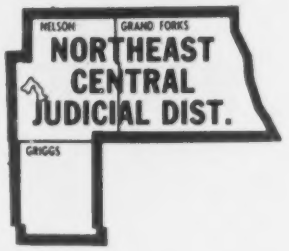
The crisis arising from numerous farm foreclosures is moderately subsiding. New federal legislation leaves existing and prospective foreclosure actions in an uncertain status.

NORTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1986 AND 1987

	1987	1986	Percent Difference
New Filings	1,709	1,563	+9.3
Civil	1,310	1,239	+5.7
Criminal	181	120	+50.8
Juvenile	218	204	+6.9
Cases Carried Over From Previous Year	860	746	+15.3
Civil	772	675	+14.4
Criminal	88	71	+23.9
Juvenile	—	—	—
Total Cases Docketed	2,569	2,309	+11.3
Civil	2,082	1,914	+8.8
Criminal	269	191	+40.8
Juvenile	218	204	+6.9
Dispositions	1,640	1,449	+13.2
Civil	1,260	1,142	+10.3
Criminal	162	103	+57.3
Juvenile	218	204	+6.9
Cases Pending as of December 31	929	860	+8.02
Civil	822	772	+6.5
Criminal	107	88	+21.6
Juvenile	—	—	—

Report of the Northeast Central Judicial District

The Honorable A.C. Bakken, Presiding Judge
Pat Thompson, Court Administrator



District Court Judges: A.C. Bakken, Presiding Judge; Joel D. Medd; and Kirk Smith.

County Court Judges: Frank Kosanda; Jonal H. Uglem; and Ronald Dosch.

Number of Counties in District: 3

District Court Chambers: Grand Forks

On September 30, 1987, A. C. Bakken retired as District Judge for the Northeast Central Judicial district, ending a 20-year career on the bench. Judge Bakken was appointed to his position in 1967 by Governor William Guy and won elections in 1968, 1974, 1980, and 1986. Prior to his appointment to the bench, he was in private practice in Cooperstown, ND. He also served as State's Attorney for Steele County 1949-51; was counsel for the North Dakota Tax Department 1953-54; was First Assistant Attorney General in 1955-56; and State's Attorney for Griggs County from 1959-66. Judge Bakken will continue to make contributions to the judiciary by serving as a surrogate judge and sitting on the newly formed appeals court.

In September, 1987, Chief Justice Ralph J. Erickstad appointed Judge Kirk Smith to succeed Judge A. C. Bakken as Presiding Judge for the Northeast Central Judicial District. This appointment was effective October 1, 1987. Judge Smith has served as a district judge since being elected in 1976 and re-elected in 1982. Prior to his election to district court judge, he served 14 years as Judge of County Court of Increased Jurisdiction for Grand Forks County and has previous service in county justice courts and private practice.

Governor George Sinner appointed Bruce E. Bohlman to fill the unexpired term of Judge A. C. Bakken. Judge Bohlman assumed his position November 1, 1987. Bohlman, a native of Thompson, ND, received his degree in law from the University of North Dakota. He was in private practice in Grand Forks and Fargo and previously served as a law professor and was director of UND's Clinical Legal Education Program.

Juvenile Court:

Juvenile Court, the regional public school systems, and the drug and alcohol treatment centers in Grand Forks formed the Community Adolescent Network for the purpose of writing a grant based on President Ronald Reagan's Drug Free Schools and Community Act. Grand Forks County Probation Officer, Beth Veeder, wrote the final draft for the $29,456.00 grant of which $9,000 will be used locally to purchase audio visual cassettes for educational purposes. The balance of the grant will go for training probation officers, drug and alcohol treatment counselors and teachers for drug and alcohol prevention.

The Community Service Program showed a total of 1,632 hours of work completed by juveniles in 1987. The Restitution Program showed a collection of $11,961.85 for the year with a total collection of $72,159.22 since the program's inception. Hugh Gallagher, Chief Probation Officer, is responsible for the tracking of these programs and disbursement records for restitution payments to the respective parties.

Facilities:

County Court: County Court offices were consolidated and moved to their new quarters on first floor of the courthouse.

Juvenile Court: In July, 1987, Juvenile Court offices were moved to a portion of the third floor of the recently acquired County Office Building. At a December 1, 1987 meeting the Board of County Commissioners voted to have the Juvenile Offices occupy the entire third floor of the building. The quarters are being remodelled to provide a courtroom and chambers for juvenile hearings plus additional space for growth. The new facility also contain a conference room which is being used by the probation officers as well as for video programming, adolescent group therapy and sessions on skills for living.

District Court: The 1987 Legislature approved the request for a fourth judge for the Northeast Central Judicial District. A fourth courtroom has been set up on second floor of the courthouse and at the present time is being used by the referee for hearing orders to show cause.

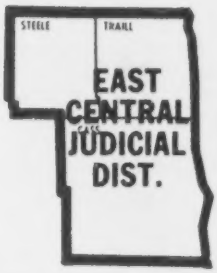
NORTHEAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1986 AND 1987

	1987	1986	Percent Difference
New Filings	2,642	2,714	-2.7
Civil	2,267	2,317	-2.2
Criminal	208	197	+5.6
Juvenile	167	200	-16.5
Cases Carried Over From Previous Year	1,132	1,045	+8.3
Civil	1,066	1,004	+6.2
Criminal	66	41	+60.97
Juvenile	—	—	—
Total Cases Docketed	3,774	3,759	+.399
Civil	3,333	3,321	+.36
Criminal	274	238	+15.1
Juvenile	167	200	-16.5
Dispositions	2,505	2,627	-4.6
Civil	2,144	2,255	-4.9
Criminal	194	172	+12.8
Juvenile	167	200	-16.5
Cases Pending as of December 31	1,269	1,132	+12.1
Civil	1,189	1,066	+11.5
Criminal	80	66	+21.2
Juvenile	—	—	—

Report of the East Central Judicial District

The Honorable Norman J. Backes, Presiding Judge
William P. Wilson, Court Administrator

District Court Judges: Norman J. Backes, Presiding Judge; John O. Garaas; Lawrence A. Leclerc; and Michael O. McGuire.
County Court Judges: Donald J. Cooke; Cynthia A. Rothe; and Jonal Uglem
Number of Counties in District: 3
District Court Chambers: Fargo



District Court:

Again, the District's civil caseload was ahead of last year, this year's lease increase amounting to 6%. New criminal cases, on the other hand fell off 9.1%; nonetheless, the court has more than kept pace with docket currency standards. As of the end of this year, the number of civil cases pending in the district was down 31.7% over last year, while the number of criminal cases carried over fell off 28%.

The court is anxiously awaiting the completion of the final steps which will render the new computerized caseflow management system operational. The new system, once it is up and going, should make a considerable impact on the overall efficiency of the court.

In December, Judge John O. Garaas announced his retirement from the district court bench after ten years of service. Judge Garaas will continue to serve the state in the capacity of a surrogate judge.

The court's new administrator is William P. Wilson, a 1969 graduate of the UND Law School. Bill began his duties in October and replaces Rich Sletten who had served as court administrator since April, 1984.

Juvenile Court:

During 1987, the juvenile court implemented a new policy regarding the disposition of juvenile offenders. For the first time the governing principle in sentencing juveniles was an all out effort to keep juveniles working and living within their home communities. The results of this program have been overwhelmingly successful — so successful that during the entire year of 1987, only once did the court remand the custody of a juvenile offender to the North Dakota State Industrial School.

Michael R. Lochow, the successor to Arthur H. Lieb, assumed his duties as of the first of the year as a half-time judicial referee for the district.

In an effort to increase the use of technology in the administration of the juvenile court system, two more word processing units have been provided for use by juvenile court personnel.

Child Support:

A new approach to child support hearings within the court system has resulted in more efficient use of court time. Now, whenever a defendant is summoned before the court on an Order to Show Cause of nonpayment of child support, the defendant is scheduled first for an optional meeting with the Regional Child Support Attorney from the Cass County State's Attorney Office. If the defendant appears for the meeting, an effort is made to reach a written stipulated settlement. This written agreement is then brought before the court at the time the defendant has been ordered to appear. The court examines the written agreement and normally approves it, issuing an Order of Confirmation. In approximately eighty to ninety percent of the child support enforcement cases brought before the court this year, a written stipulation with the State's Attorney office has been approved by the court and, consequently, the court has been able to drop the contested hearing from its calendar.

EAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1986 AND 1987

	1987	1986	Percent Difference
New Filings	3,662	3,660	+.05
Civil	2,984	3,070	-2.8
Criminal	259	274	-5.5
Juvenile	419	316	+32.6
Cases Carried Over From Previous Year	1,799	1,628	+10.5
Civil	1,681	1,554	+8.2
Criminal	118	74	+59.5
Juvenile	—	—	—
Total Cases Docketed	5,461	5,288	+3.3
Civil	4,665	4,624	+.88
Criminal	377	348	+8.3
Juvenile	419	316	+32.6
Dispositions	3,149	3,489	-9.7
Civil	2,495	2,943	-15.2
Criminal	235	230	+2.2
Juvenile	419	316	+32.6
Cases Pending as of December 31	2,312	1,799	+28.5
Civil	2,170	1,681	+29.1
Criminal	142	118	+20.3
Juvenile	—	—	—

Report of Southeast Judicial District

The Honorable Robert L. Eckert, Presiding Judge
Marguerite Aldrich, Court Administrator

District Court Judges: Robert L. Eckert, Presiding Judge; Gordon O. Hoberg; and John T. Paulson.

County Court Judges: James M. Bekken; Mikal Simonson; Harold B. Herseth; Bayard Lewis; Gary D. Neuharth; and Lowell O. Tjon.

Number of Counties in District: 9

District Court Chambers: Wahpeton, Jamestown and Valley City.

Caseload Comparisons:

County court civil and criminal filings in the Southeast Judicial District showed a 10% decrease from 1986. Following disposition, there were 17% fewer cases pending at the end of 1987 compared with the number pending at the end of 1986.

Juvenile court filings decreased 17% from 1986. There were fewer formal hearings in 1987 than in 1986 but slightly higher numbers of informal and counsel adjusted cases processed.

District Court civil filings increased only slightly from the number filed in 1986. This stability, together with more efficient procedures for docket currency through the office of the district court administrator and services of summer law clerks, allowed the district judges to dispose of a significant number of cases carried over from the prior year. District court criminal case filings, however, have been steadily increasing in the last two years, 34% in 1987, following an 18% increase in 1986. This surge in criminal filings resulted in the largest number of criminal cases pending in the last several years, up 84% from 1986 to a level 135% higher than in 1982.

Bicentennial Celebration of Signing of U. S. Constitution:

On September 17, 1987, each county in the district hosted a reception and program commemorating the 200th anniversary of the signing of the United States Constitution. The county court and district court judges joined in addressing the public on the stability, flexibility and freedoms available to them under the Constitution. School children joined in the celebrations at Wahpeton and New Rockford, raised their voices in recitation of the preamble and then filled the skies with red, white and blue balloons.

Indigent Defense:

A goal of the district's 1987/89 master plan was fulfilled with the completion of an extensive study of the ways in which payments for indigent defense counsel services are made in North Dakota. Presiding Judge Robert L. Eckert has appointed an ad hoc advisory committee to study the statistics and make recommendations regarding whether or not to enter into one or more indigent defense contracts in the district.

Juvenile Court Staff Recognition:

Service awards were presented by Justice H. F. Gierke to Southeast Judicial District juvenile staff at the Juvenile Court Association annual banquet on October 7, 1987. Recognized for years of service were Robert Eastburn, Valley City, twenty-five year award; Bernard Haugen, Wahpeton, fifteen-year award; Carol Eastburn, Valley City, ten-year certificate; and Vince Ament, Jamestown, ten-year certificate.

Courtroom Facilities:

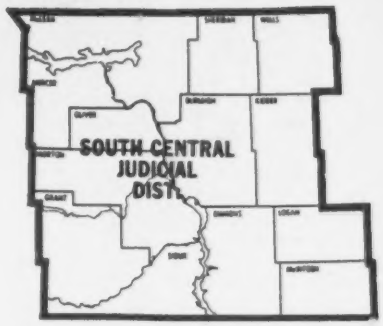
Preparations for an additional hearing room in the Stutsman County Courthouse are under way. The room will be used for motions, child support hearings and other matters heard by judges and referees. The district court courtroom and county court courtrooms are scheduled to near capacity, creating the need for the additional hearing room.

SOUTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1986 AND 1987

	1987	1986	Percent Difference
New Filings	1,869	1,847	+1.2
Civil	1,491	1,488	+.20
Criminal	197	147	+34
Juvenile	181	212	-14.6
Cases Carried Over From Previous Year	785	708	+10.9
Civil	715	657	+8.8
Criminal	70	51	+37.3
Juvenile	—	—	—
Total Cases Docketed	2,654	2,555	+3.9
Civil	2,206	2,145	+2.8
Criminal	267	198	+34.8
Juvenile	181	212	-14.6
Dispositions	1,823	1,770	2.99
Civil	1,504	1,430	+5.2
Criminal	138	128	+7.8
Juvenile	181	212	-14.6
Cases Pending as of December 31	831	785	+5.9
Civil	702	715	-1.8
Criminal	129	70	+84.3
Juvenile	—	—	—

Report of the South Central Judicial District

The Honorable Benny A. Graff, Presiding Judge
Ted Gladden, Court Administrator



District Court Judges: Benny A. Graff, Presiding Judge; Gerald G. Glaser; Larry M. Hatch; William F. Hodny; and Dennis A. Schneider.
County Court Judges: James M. Bekken; Donavin L. Grenz; Burt L. Riskedahl; Lester J. Schirado; and O.A. Schulz
Number of Counties in District: 13
District Court Chambers: Bismarck, Mandan and Linton

Administrative Advances:

During 1987, a number of counties initiated new recordkeeping systems. Logan, McIntosh, Mercer, and Sioux counties installed open-shelf recordkeeping systems. These counties also adopted a new register of actions for civil and criminal matters. Sheridan County adopted a new judgment docket card which is also a part of the statewide recordkeeping system. The systems installed will increase the efficiency of the respective clerk's of court offices and are much more cost effective than the traditional bound books that records were kept in previously. In all, nine of the thirteen counties of the judicial district have installed various facets of this new recordkeeping system.

Analysis was completed of the child support case management procedures currently in place. As a result, all of the forms relating to notice of hearing and the hearing itself were modified.

A policy was developed for the handling of large exhibits. The clerks now have procedures for disposition of exhibits once cases are completed.

A schedule was adopted for the setting of judicial referee hearings throughout the district. With these procedures in place, we have day certain scheduling for all Order to Show Cause hearings.

Effective July 1, all motions, hearings, and trials were scheduled by the Court Administrator's office. Prior to this change, motions were scheduled for the judges chambered in Bismarck, but not Mandan or Linton. At this same time the scheduling function for the judicial referees was moved from the Juvenile Court office to the Court Administrator's office.

A policy was developed for coverage when the resident judge is away from their chambered county more than 24 hours.

District Court:

The five judges of the district court again processed the largest caseload of any district in the state. The average length of time from filing to disposition of contested civil court trials is 3.7 months. Civil jury cases take 22.2 months for processing, on the average. It takes approximately five to six months from the time the Certificate of Readiness is filed until a civil case is actually set for trial. This is an increase in the length of time from a few years ago when the average was three to four months. The average length of time for processing noncontested civil matters was 4.7 months. On the average, guilty pleas and criminal actions take 65 days to process.

Juvenile Court:

In 1987, 2,335 children were referred to the juvenile court. Of this number, 753 children were referred back to the Bismarck-Mandan Police Youth Bureau for informal disposition. Four hundred referrals involved children who were alleged to be deprived. A total of 220 petitions were disposed of during the year through formal adjudication. Sixty-three temporary custody orders were issued for placement outside the parented home.

Referrals made to the juvenile court are directly commensurate with the populations of the counties served. Most referrals are made from Burleigh County (1,080), followed by Morton County (546), McLean County (143), and Mercer County (140). The other nine counties had 426 referrals during the year.

Three probation officers averaged 36 cases each during any given month during 1987. Juvenile Court probation officers also supervised 12 State Youth Authority placements together with six aftercare placements from the State Industrial School.

Judicial Referees heard 562 Order to Show Cause and URESA matters and 14 Motion and pre-trial matters.

Plans were finalized for the relocation of the juvenile court staff from Linton to Bismarck. Following an analysis of the workload, decline in population, and future projections, the decision was made to relocate the juvenile supervisor and clerical positions from Linton to Bismarck. This decision will assure better services for all the people of the district.

County Court:

Effective January 1, 1987, a second county judge is in place in Burleigh County. With this second judgeship, the court is now able to handle its case load in an expeditious fashion. All county courts of district were able to handle their caseloads in a timely fashion.

Judicial Facilities:

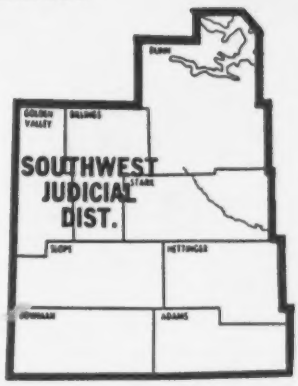
Work continues on court space needs in Morton County. A local architect was retained to conduct a needs assessment of the departments in the courthouse. Based on this assessment, a plan is being compiled to provide for increased courtroom space and adminstrative space.

SOUTH CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1986 AND 1987

	1987	1986	Percent Difference
New Filings	3,802	3,646	+4.3
Civil	3,187	2,987	+6.7
Criminal	330	373	-11.5
Juvenile	285	286	-.34
Cases Carried Over From Previous Year	1522	1,496	+1.7
Civil	1,408	1,403	+.36
Criminal	114	93	+22.6
Juvenile	—	—	—
Total Cases Docketed	5,324	5,142	+3.5
Civil	4,595	4,390	+4.7
Criminal	444	466	-4.7
Juvenile	285	286	-.35
Dispositions	3,802	3,620	+5.02
Civil	3,180	2,982	+6.6
Criminal	337	352	-4.3
Juvenile	285	286	-.35
Cases Pending as of December 31	1,522	1,522	-0-
Civil	1,415	1,408	+.49
Criminal	107	114	-6.1
Juvenile	—	—	—

Report of the Southwest Judicial District

The Honorable Maurice R. Hunke, Presiding Judge
Ardean Ouellette, Court Administrator



District Court Judges: Maurice R. Hunke, Presiding Judge; Allan L. Schmalenberger; and Donald L. Jorgensen.
County Court Judges: Tom Beyer; Ronald L. Hilden; and F. Gene Gruber.
Number of Counties in District: 8
District Court Chambers: Dickinson and Hettinger

Continued Caseload Increase:
As noted in the accompanying chart, new case filings during 1987 in the Southwest District increased again over the previous year. Most of the increase was in mortgage foreclosures, a reflection of the continuing economic difficulty in southwest North Dakota. For the first time in several years, the number of divorce cases declined, but only by about three percent.

Personnel:
Two of our employees resigned during the year to accept other positions. Judicial Secretary Carla Kolling accepted a position on the staff of the State Court Administrator. An experienced legal secretary, Mrs. Carol Degenstein, replaced her.

Juvenile Court Probation Officer Scott Montgomery resigned and returned to South Dakota. Todd Wandler now fills his position.

Docket Currency:
All involved in the administration of justice understand what a constant struggle is required to comply with necessary Docket Currency Standards. During 1987 we implemented a new procedure in civil cases to provide close monitoring of each case not disposed of within 12 months. While extra duties have resulted for the judges and court administrator, we expect that extra work will pay handsome dividends. Some time during 1988 we expect to become the first district in the state to reach and maintain complete docket currency in civil cases.

SOUTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1986 AND 1987

	1987	1986	Percent Difference
New Filings	1,660	1,532	+8.4
Civil	1,464	1,351	+8.4
Criminal	131	107	+22.4
Juvenile	65	74	-12.2
Cases Carried Over From Previous Year	640	519	+23.3
Civil	605	494	+22.5
Criminal	35	25	+40
Juvenile	—	—	—
Total Cases Docketed	2,300	2,051	+12.1
Civil	2,069	1,845	+12.1
Criminal	166	132	+25.8
Juvenile	65	74	-12.2
Dispositions	1,690	1,411	+19.8
Civil	1,502	1,240	+21.1
Criminal	123	97	+26.8
Juvenile	65	74	-12.2
Cases Pending as of December 31	610	640	-4.7
Civil	567	605	-6.3
Criminal	43	35	+22.9
Juvenile	—	—	—

County Courts

County courts in North Dakota underwent a major transformation in 1983. A new uniform system of county courts took effect on January 1, 1983, and replaced the previous three-tier county court system. The new county courts differ from the old county courts in three other major aspects: 1) all county courts are now courts of records: 2) all county judgeships are now full-time positions: and 3) all county judges now must be legally trained. Under the old county court system most of the county courts were not court of records and many of the county judgeships were part-time positions staffed by laymen rather than licensed attorneys. As was the case under the old county court system, county courts under the new county court system are still funded by the counties.

There are 27 county judges in North Dakota. Fifteen of these judges serve more than one county. The legislation creating the new county court system authorized counties to contract with one another for the services of one or more county judges. Through their contractual arrangements, called multi-county agreements, four county judges serve a two-county area, five county judges provide judicial services to a three-county area, eight counties have a single county judge, and two counties, Cass County and Burleigh County, each have two county judges. Most of the multi-county courts operate within the boundaries of a single judicial district. In two instances, however, the multi-county courts cut across the boundary lines of more than one judicial district. In one of the instances, a county judge serves four counties located in three different judicial districts.

Another unique feature of the new county court system is the county magistrate. Because many county judges serve more than one county, they cannot always be in each county when they are needed. To insure continuity in judicial services in the judge's absence, the judge can appoint a magistrate to handle preliminary matters in the county until the judge returns. Through an administrative rule the Supreme Court has established the qualifications, authority, and procedures governing magistrates. In several counties, the county judge has appointed the clerk of the district court as the magistrate for that county.

Like the old county courts, the new county courts are limited jurisdiction courts. They have original and exclusive jurisdiction in probate, testamentary, guardianship, and mental health cases. They have concurrent jurisdiction with municipal courts in traffic cases and concurrent jurisdiction with the district courts in trust, criminal misdemeanor, and civil cases where the amount in controversy does not exceed $10,000. County judges also preside at the preliminary hearing in criminal felony cases before the case is turned over to the district court. The presiding district judge of each judicial district may assign a county judge to hear any district court case filed in the district.

County courts also act as small claims court in North Dakota. The jurisdictional limit for a small claims case is $1,500. There is no appeal from the decisions of the county court when it is acting in its capacity as a small claims court. All decisions of the county courts in such instances are final.

While the subject matter jurisdiction of the new county courts is equivalent to the subject matter jurisdiction of the old county courts, their jurisdictional limits are generally higher. For instance, no county courts under the old county court system had concurrent civil jurisdiction with district courts in cases where the amount of controversy exceeded $1,000. As stated above, the concurrent jurisdiction of the new county courts is up to $10,000. Similarly, the jurisdictional limit for small claims cases under the old county courts was $1,000 compared to $1,500 for the new county courts.

In establishing the new county court system, the Legislature vested county court judges with the same power and authority as district court judges. Moreover, the rules of practice and procedure governing district court proceedings also apply to county courts. Thus, both in terms of their jurisdiction and authority, county judges under the new county court system have greater judicial responsibilities and power than their predecessors.

Appeals from the county court go directly to the Supreme Court. Under the old county court systems appeals from the county justice and county court went to the district court while all appeals from county courts of increased jurisdiction went to the Supreme Court with the exception of probate cases, which were appealable to the district court.

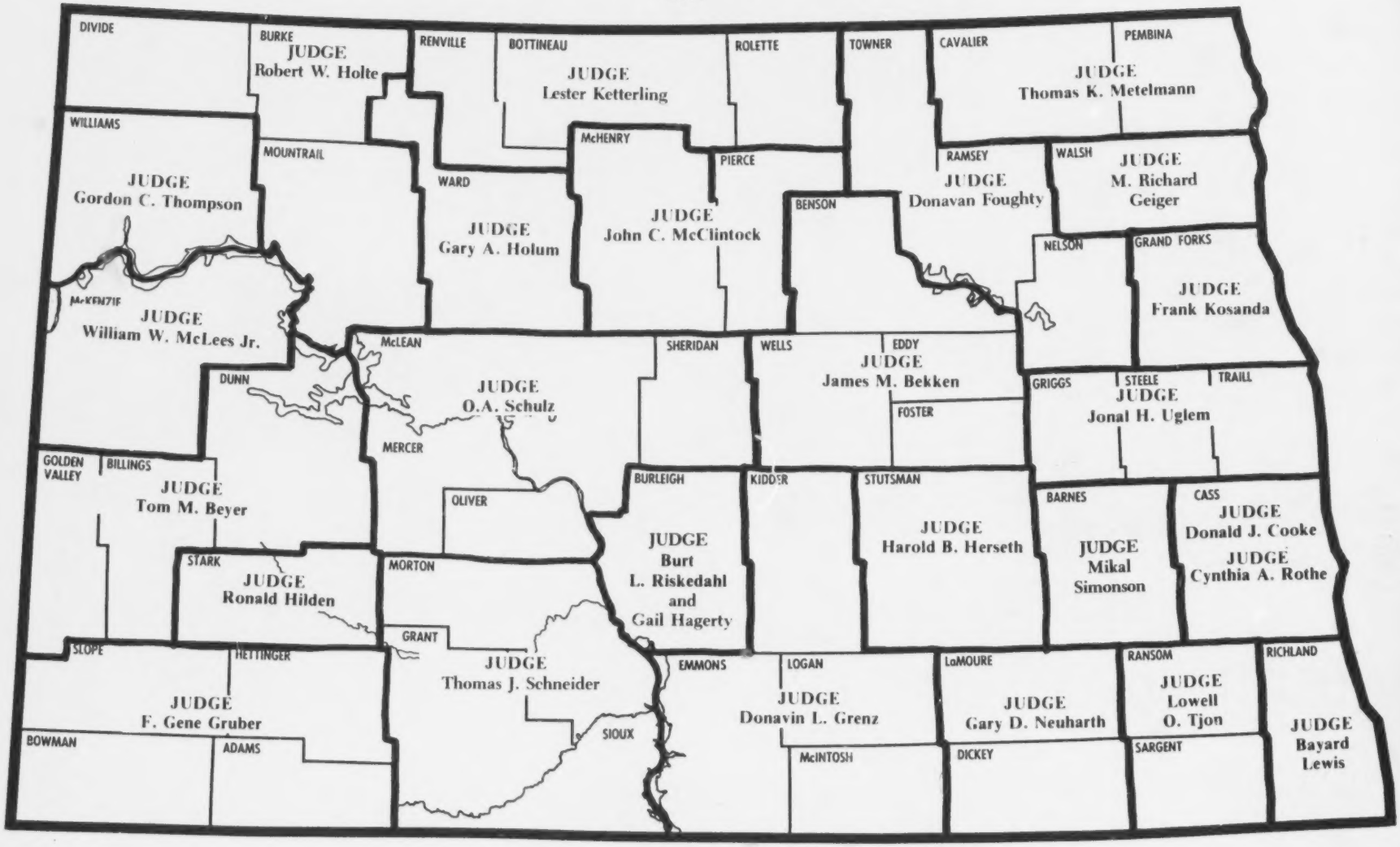
In addition to its trial court duties, county courts also serve as the appellate courts for appeals from municipal courts. All appeals for municipal courts to county courts are trial *de novo* appeals. In other words, when a municipal court case is appealed to the county court, a new trial is held in the county court. New trials are required in county courts because municipal courts do not maintain official records of their proceedings.

In 1987, the Legislature provided that cities and counties could agree that the county court would hear all municipal ordinance violation cases of the city and that all municipal court cases in which the defendant fails to waive the right to a jury trial shall be heard in county court.

The office of county judge is an elected position filled every four years in a nonpartisan election. If a vacancy occurs, the county commissioners can either fill the vacancy by selecting a candidate from a list of nominees submitted by a Judicial Nominating Committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge only serves until the next general election, at which time the office is filled by election for the remainder of the term. In those counties which share the services of a county judge, the judge is elected by the eligible voters of the participating counties. The appointment of a county judge to serve a multi-county area must be approved by a majority vote of each board of county commissioners of the counties involved.

In counties with a population over 25,000, the county judge has the authority to appoint a clerk of county court. In counties with a population less than 25,000 the clerk of district court also serves as the clerk of county court.

COUNTY JUDGES AND COUNTY COURT MULTI-COUNTY AGREEMENT AREAS
1987



County Court Caseload

The breakdown of the county court caseload showed little change in the composition of county court dockets. The caseload continues to be predominately noncriminal traffic, followed by criminal, small claim, other civil and probate.

Overall, the filings increased 2.3% in 1987 while the dispositions increased 1.8%. Civil cases decreased by 6% (1159 cases) while criminal cases increased by 4% (678 cases) and noncriminal traffic cases increased by 5% (2,646 cases).

The number of mental health hearings remained stable while the number of preliminary hearings increased by 6%.

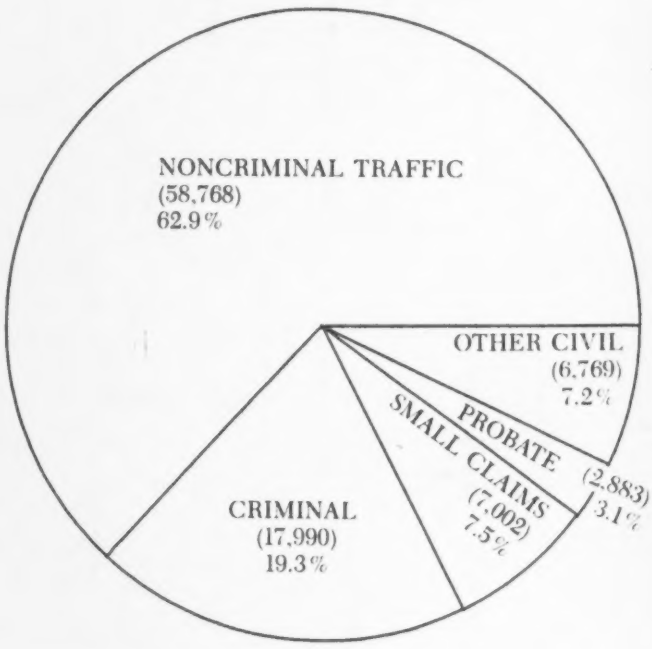
Filings in small claims court decreased by 14% in 1987, making the second consecutive year of decreased filings in this category. (They had fallen 8% in 1986.)

SYNOPSIS OF COUNTY COURT'S CASELOAD FOR 1986 AND 1987

	1987	1986	Percent Difference
New Filings	93,412	91,307	+2.3
Civil	16,654	17,813	−6.5
Criminal	17,990	17,372	+3.6
Noncriminal Traffic	58,768	56,122	+4.7
Cases Carried Over From Previous Year	18,338	18,443	-.57
Civil	18,432	17,896	+2.99
Criminal	4,826	547	+782.27
Noncriminal Traffic	—	—	-0-
Total Cases Docketed	111,750	109,750	+1.8
Civil	35,086	35,709	−1.7
Criminal	22,816	17,919	+27.3
Noncriminal Traffic	58,768	56,122	+4.7
Dispositions	92,647	91,412	+1.4
Civil	15,502	17,277	−10.3
Criminal	18,377	18,013	+2.02
Noncriminal Traffic	58,768	56,122	+4.7
Cases Pending as of December 31	19,103	18,338	+4.2
Civil	19,584	18,432	+6.2
Criminal	5,039	4,826	+4.4
Noncriminal Traffic	—	—	-0-

*Comparison not valid due to change in method of counting pending cases in 1986.

TYPES OF CASES FILED IN THE COUNTY COURT IN 1987



COUNTY COURT FILINGS AND DISPOSITIONS FOR 1987

	Felony		Misdemeanor		Total* Non-criminal Traffic	Small Claims		Probate		Guardianship/ Conservatorship		Other Civil		Mental Health & Emerg. Commit.
	(F)	(D)	(F)	(D)		(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	
Adams	0	0	72	60	252	33	33	24	19	6	1	40	35	9
Barnes	28	41	360	438	1928	182	196	65	29	13	1	39	38	26
Benson	9	9	162	145	1356	35	36	37	14	0	3	29	28	6
Billings	3	4	21	22	262	7	6	13	2	0	0	7	7	0
Bottineau	26	24	270	253	873	115	110	92	37	8	3	52	50	18
Bowman	0	0	33	30	197	56	58	41	50	4	1	43	31	0
Burke	3	3	113	91	221	77	74	39	36	7	1	22	22	9
Burleigh	176	177	1181	1191	4966	509	508	132	111	48	43	647	651	115
Cass	229	246	1860	2083	3464	1451	1454	243	285	61	35	771	807	287
Cavalier	2	4	183	174	674	72	70	52	42	4	1	28	32	3
Dickey	15	14	124	108	397	103	105	39	20	8	2	44	45	3
Divide	6	5	62	52	134	26	26	46	42	4	4	22	20	3
Dunn	13	15	125	137	412	26	12	71	74	23	3	29	29	0
Eddy	2	2	36	39	196	26	28	22	14	6	0	1	0	2
Emmons	4	3	90	85	535	46	52	28	11	6	2	18	17	2
Foster	5	4	69	66	442	62	71	13	9	5	1	26	28	1
Golden Valley	4	4	29	24	83	36	13	26	22	1	3	10	8	9
Grand Forks	246	246	2287	2678	6402	551	585	144	131	43	8	159	182	81
Grant	1	1	40	44	129	21	21	23	26	0	0	1	1	0
Griggs	0	2	178	177	601	34	35	20	20	2	3	16	11	5
Hettinger	3	2	36	35	285	40	38	28	11	6	2	16	14	2
Kidder	5	5	89	84	1396	30	30	18	20	4	1	16	17	0
LaMoure	13	13	74	79	655	40	44	39	47	0	0	20	20	2
Logan	0	0	36	31	192	13	12	14	11	2	0	6	8	1
McHenry	15	16	115	128	977	32	39	44	86	5	3	41	39	6
McIntosh	7	7	38	36	169	14	13	22	10	2	2	7	9	3
McKenzie	10	10	167	174	1613	77	74	74	83	25	51	59	45	15
McLean	11	13	270	295	2261	67	68	53	26	17	2	36	39	10
Mercer	15	20	276	326	881	75	70	27	19	8	0	46	44	18
Morton	79	65	643	506	3326	348	371	92	71	119	8	281	265	55
Mountrail	25	25	184	125	797	90	90	63	76	13	6	36	36	7
Nelson	2	5	83	80	926	38	34	29	20	2	1	20	22	1
Oliver	0	1	32	30	261	26	25	9	13	1	1	8	7	2
Pembina	21	25	314	266	646	74	72	57	58	9	12	151	136	11
Pierce	20	19	125	148	728	59	65	56	56	13	17	23	25	10
Ramsey	48	36	717	792	3387	208	225	81	26	44	2	77	77	25
Ransom	10	9	135	110	443	53	52	43	12	4	1	14	11	14
Renville	6	6	46	46	186	26	33	33	27	1	2	9	9	5
Richland	40	45	310	387	1393	237	262	100	71	26	2	72	78	29
Rolette	43	47	322	335	544	63	52	28	14	39	52	53	48	10
Sargent	8	3	68	58	317	44	50	24	16	6	0	14	11	1
Sheridan	3	1	32	32	62	16	14	14	7	1	0	14	15	1
Sioux	2	2	9	8	24	13	13	7	3	0	0	9	8	0
Slope	0	1	15	15	123	2	4	9	7	0	0	4	5	0
Stark	64	79	926	918	2268	335	351	90	52	34	1	251	265	41
Steele	0	0	31	32	231	13	12	20	16	1	1	7	8	2
Stutsman	98	92	965	969	2324	201	206	83	51	23	3	189	196	226
Towner	13	21	112	115	590	65	56	30	31	28	2	46	45	5
Traill	18	21	218	229	599	154	147	79	44	7	0	53	48	11
Walsh	38	44	551	490	1087	206	197	89	90	115	0	311	318	30
Ward	141	173	992	1205	3732	605	574	171	70	50	17	364	366	123
Wells	4	6	70	79	587	59	57	40	45	16	3	27	29	13
Williams	91	92	564	609	2234	211	175	147	98	30	0	258	264	69
TOTAL	1,625	1,708	15,860	16,669	58,768	7,002	7,018	2,883	2,281	900	307	4,542	4,569	1,327

Municipal Courts

There are approximately 360 incorporated cities in North Dakota. Of the total muncipalities, 150 cities have municipal courts. There are approximately 130 judges serving these 150 municipalities. State law permits an individual to serve more than one city as a municipal judge.

In 1981 the Legislature amended the state law pertaining to municipalities to allow each municipality the option of deciding whether or not to have a municipal judge. Before this amendment, all incorporated municipalities were required to establish a municipal court. Despite this requirement, those incorporated cities which did not have a police force tended not to have a municipal court.

In 1987 the Legislature amended the state law to permit county court judges to hear municipal ordinance violation cases and to permit cities to contract with counties to provide municipal ordinance violation court services.

The municipal judges have jurisdiction of all violations of municipal ordinances, except certain violations involving juveniles. Violations of state law are not within the jurisdiction of the municipal courts.

A municipal judge is elected for a four-year term. He must be a qualified elector of the city, except in cities with a population below 5,000. In cities with a population of 5,000 or more the municipal judge is required to be a licensed attorney unless an attorney is unavailable or not interested in serving. At present, there are approximately 24 legally-trained and 106 lay municipal judges in the state.

State law requires that each municipal judge attend at least two educational seminars per calendar year conducted by the supreme court. If a municipal judge fails to meet this requirement without an excused absence from the supreme court, his name is referred to the Judicial Conduct Commission for such disciplinary action as is deemed appropriate by the Commission.

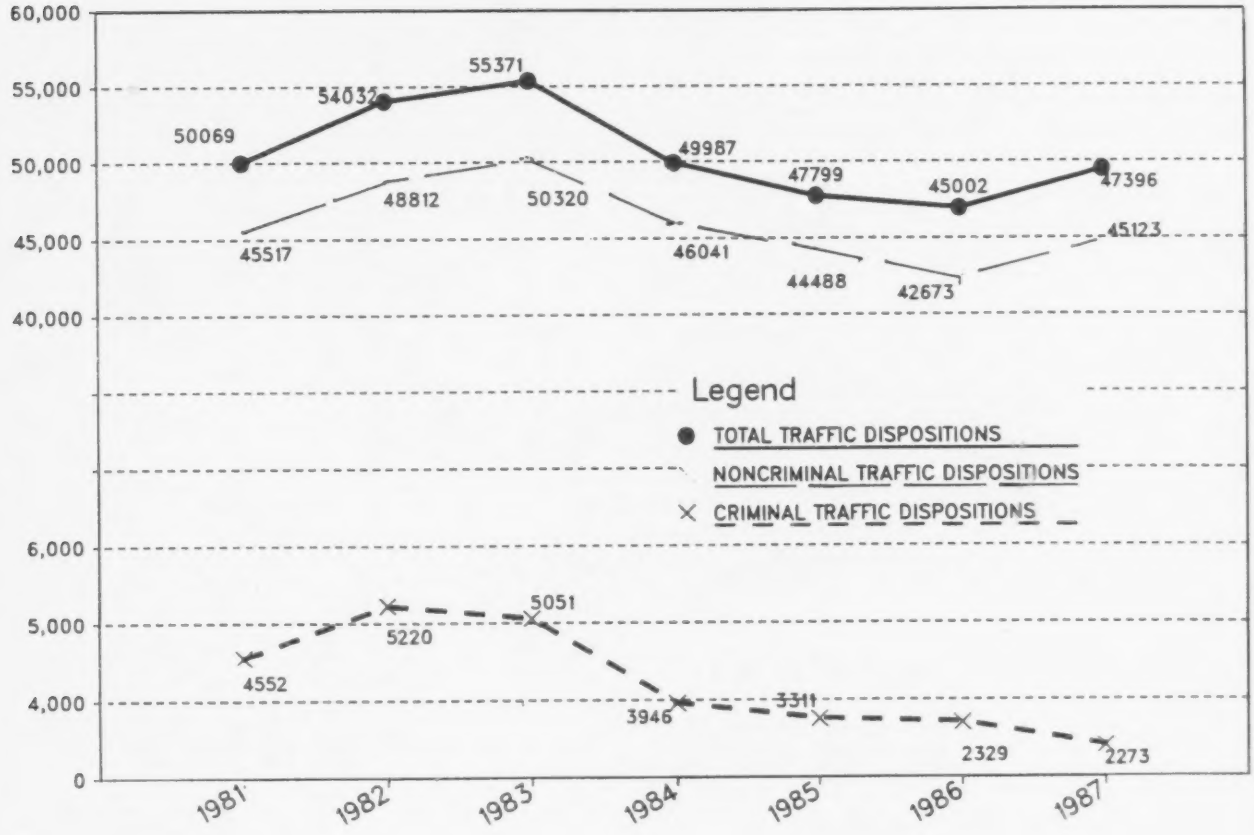
Most of the municipal courts' traffic caseload are noncriminal traffic cases or administrative traffic cases. While these cases greatly outnumber the criminal traffic cases, they generally take much less time to process. There is not only a lesser burden of proof in noncriminal traffic cases than in criminal cases, but most noncriminal traffic cases are disposed of by bond forfeitures. While no judge "time" is needed to process bond forfeitures, support personnel in the clerk's office must account for every citation received by the court.

Although criminal traffic cases compose only a small percent of the municipal courts' caseload, they require more time and resources for their disposition than noncriminal traffic cases. Litigants are more likely to demand a trial in criminal traffic cases since the penalties for violation of criminal traffic laws are more severe than violations of noncriminal traffic laws. Moreover, the prosecutor also has a greater burden of proof in criminal traffic cases than in noncriminal traffic cases. Whereas in noncriminal traffic cases the prosecutor has only to demonstrate a preponderance of evidence for conviction, in criminal traffic cases the prosecutor must prove each element of the charge beyond a reasonable doubt.

COMPARISON OF MUNICIPAL COURT TRAFFIC DISPOSITIONS FOR CALENDAR YEARS 1986 AND 1987

Ten Municipalities With Highest Case Volume	Criminal Traffic Dispositions		Noncriminal Traffic Dispositions		Total Traffic Dispositions		Percent Difference
	1987	1986	1987	1986	1987	1986	
Bismarck	249	274	7,858	6,247	8,107	6,521	+24.3
Dickinson	67	60	1,746	1,661	1,813	1,721	+5.3
Fargo	272	314	6,502	7,513	6,774	7,827	−13.5
Grand Forks	364	334	3,845	2,130	4,209	2,464	+70.8
Jamestown	70	83	2,361	2,821	2,431	2,904	−16.3
Mandan	88	119	2,816	4,049	2,904	4,168	-30.3
Minot	321	224	7,901	5,534	8,222	5,758	+42.8
Wahpeton	58	78	691	749	749	827	−9.4
West Fargo	93	102	846	796	939	898	+4.6
Williston	108	173	2,034	3,085	2,142	3,258	−34.3
TOTAL	1,690	1,761	36,600	34,585	38,290	36,346	+5.3

COMPARISON OF MUNICIPAL COURT TRAFFIC
DISPOSITIONS FOR 1981-1987



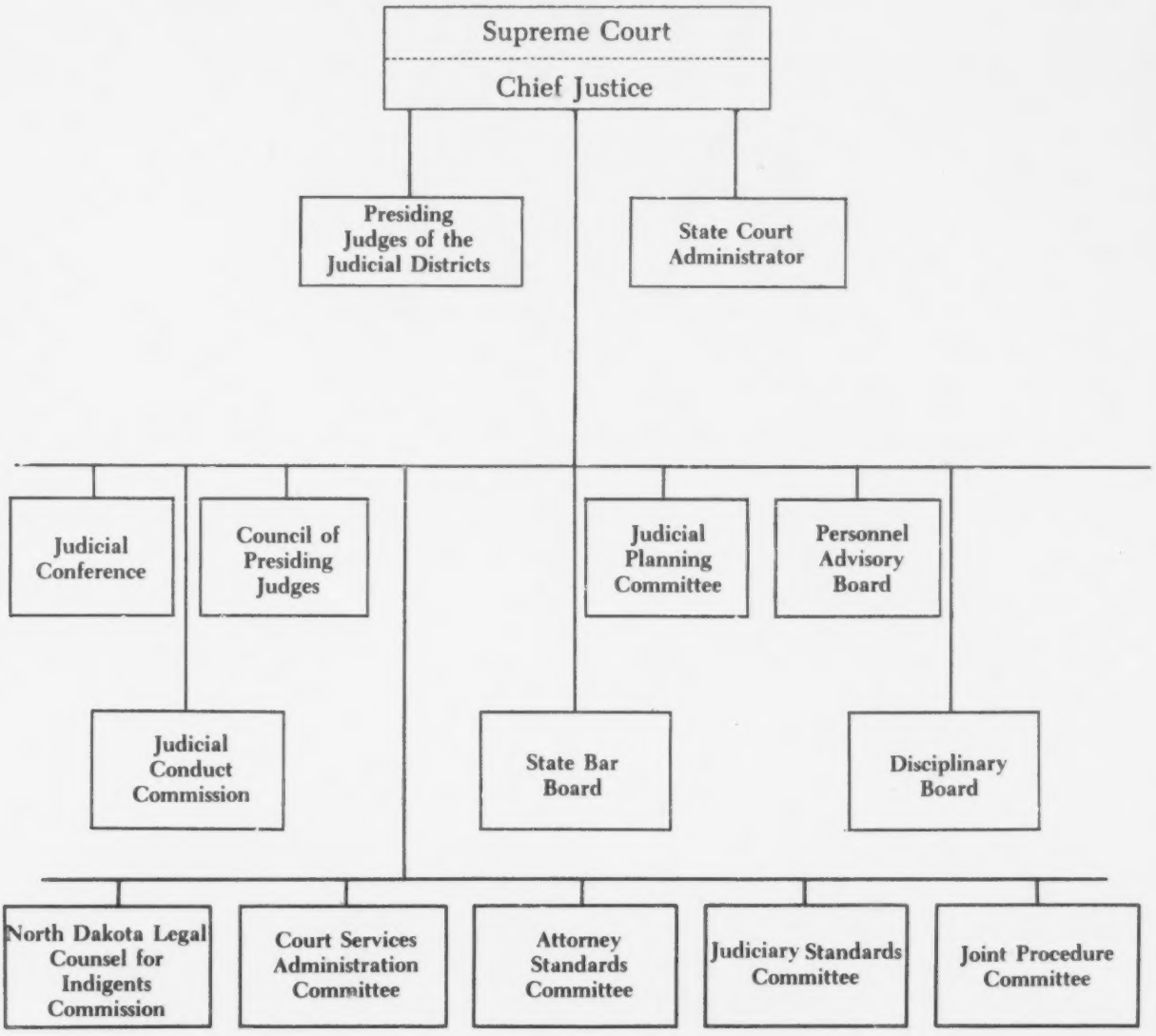
Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the Supreme Court. The constitution has emphasized the Supreme Court's administrative responsibility for the judicial system by designating the chief justice as the administrative head of the judicial system. In addition, the state constitution also grants the Supreme Court supervisory authority over the legal profession. Article VI, Section 3 states that the Supreme Court shall have the authority, "unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law."

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, presiding judges, and various advisory committees, commissions and boards. The functions and activities of these various bodies during 1987 are described in the subsequent pages of this report.

A diagram of the administrative organization of the North Dakota judicial system is provided below.

ADMINISTRATIVE ORGANIZATION OF THE
NORTH DAKOTA JUDICIAL SYSTEM



Office of State Court Administrator

Article VI, Section 3 of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation of the judicial budget, providing for judicial education services, coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system.

Judicial Education:

Under the guidance and supervision of the Judicial Conference Committee on Judicial Training, the Office of State Court Administrator develops and coordinates training programs for all levels of judicial and court support personnel. In addition, a number of other professional development and information activities are coordinated and conducted under the auspices of the State Court Administrator. These activities are described in greater detail in the section of this report which discusses the activities of the committee.

Research and Planning:

Staff services are provided to the Judicial Planning Committee and other advisory committees of the Supreme Court by the planning staff in the State Court Administrator's office. The duties of these staff personnel include research, bill drafting, rule drafting, arrangement of committee meetings, and such other tasks that are assigned by the various committees. Specific activities and projects of the different Supreme Court standing committees are provided in a latter section of this report.

Personnel Management:

The state funding of most district court employees in 1981 significantly increased the personnel management responsibilities of the State Court Administrator. To insure uniformity in personnel administration across districts, personnel policies and a pay and classification plan for district court employees were developed under the direction of the State Court Administrator.

Fiscal Responsibilities:

One of the State Court Administrator's primary administrative responsibilities is the management of the judicial budget. As the budget director for the judicial system, he is responsible for the coordination and preparation of the Supreme Court and District Court budgets, preparation and analysis of monthly budget status reports, the development of budgetary policies for the judiciary, and the maintenance of payroll records for judges and court personnel.

Even with the addition of most District Court expenses to the judicial budget, the judicial budget constitutes only a small portion of the state's total budget for the 1987-89 biennium. However, this is not to say that the budgetary impact of the additional expenses has been minimal. Since the absorption of most district court expenses by the state in 1981, the judicial portion of the state's budget has doubled.

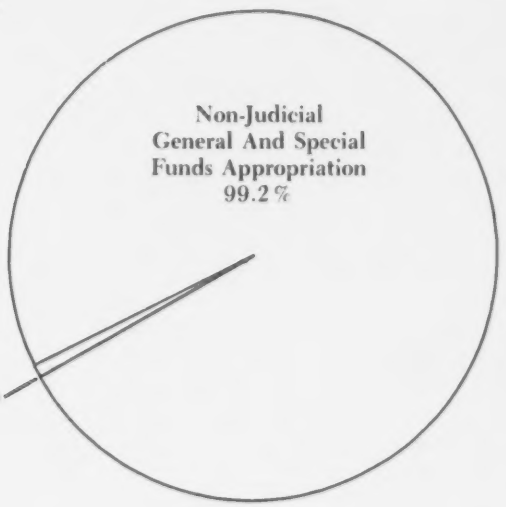
The impact of the state's funding of nearly all District Court expenses can also be seen in the way in which the judicial budget is allocated. Whereas the Supreme Court portion of the judicial budget used to be over 40 percent, now it is less than 23 percent.

In viewing the judicial budget, it should be noted that it does not include the salaries of district court clerks and deputy clerks or any county court or municipal court expenditures. District court clerk expenses and county court expenses are funded by county government in North Dakota. Likewise, municipal courts are funded by the particular municipalities they serve.

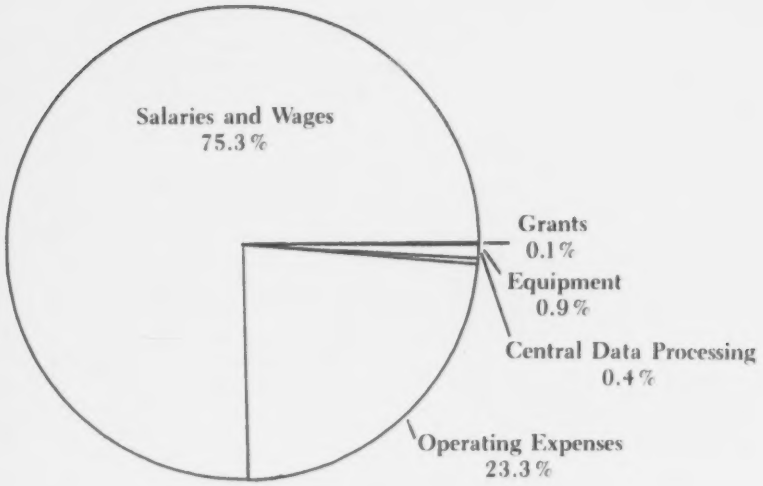
JUDICIAL PORTION OF THE STATE'S BUDGET
1987-1989 BIENNIUM

Total General and Special Funds Appropriation
$2,496,414,450

Judicial System General and Special Funds Appropriation
$20,130,589



STATE JUDICIAL SYSTEM APPROPRIATION
BY APPROPRIATED LINE ITEM
1987-89 BIENNIUM

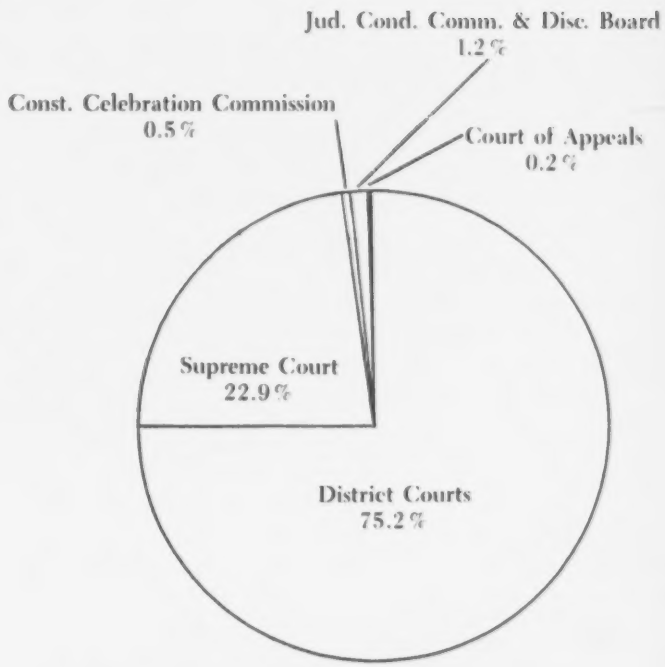


Total Judicial System General and Special Funds Appropriation
$20,130,589

Salaries and Wages	$15,156,791
Operating Expenses	4,691,328
Central Data Processing	78,000
Equipment	179,470
Grants	25,000

STATE JUDICIAL SYSTEM APPROPRIATION
BY TYPE OF ACTIVITY
1987-89 BIENNIUM

Supreme Court	
General Fund	$4,552,898
Special Funds	55,000
TOTAL	$4,607,898
District Courts	
General Fund	$14,794,943
Special Funds	340,000
TOTAL	$15,134,943
Court of Appeals	
General Fund	$ 42,000
Special Funds	—
TOTAL	$42,000
Judicial Conduct Commission & Disciplinary Board	
General Fund	$ 185,748
Special Funds	60,000
TOTAL	$ 245,748
Constitutional Celebration Committee	
General Fund	$50,000
Special Funds	50,000
TOTAL	$100,000



Advisory Committees of the North Dakota Judicial System

To assist in its administrative supervision of the North Dakota Judicial System, the Supreme Court utilizes the services of numerous advisory committees. These committees address specific problem areas within their study jurisdiction and make recommendations on the resolution of these problems to the Supreme Court.

Four of these committees — the Joint Procedure Committee, the Attorney Standards Committee, the Judiciary Standards Committee, and the Court Services Administration Committee— were established by the Supreme Court in 1978 as an essential part of its rulemaking process with the North Dakota Judicial System (NDRPR). One of these committees, the Joint Procedure Committee, existed before the Supreme Court adopted its rulemaking process, but was incorporated into the advisory committee structure created by the Supreme Court rulemaking process.

Other committees of the North Dakota Judicial System include the Judicial Planning Committee, the Personnel Advisory Board, the Judicial Training Committee of the North Dakota Judicial Conference, the North Dakota Legal Counsel for Indigents Commission, and the Council of Presiding Judges. All of these committees contribute to the improvement of court services in North Dakota. Special committees established to address timely issues include the Constitutional Celebration Committee and the Civil Legal Services Study Committee.

The activities of these committees during 1987 are summarized here.

Judicial Planning Committee:

The Judicial Planning Committee is the forum for overall planning for judicial services in North Dakota. It is chaired by Justice Beryl J. Levine and its membership includes representatives of presiding judges, attorneys, district judges, county judges, municipal judges, court support personnel, and the public. The role of the committee is to identify, describe and clarify problem areas which can be referred to judicial leaders and other standing committees for resolution.

As part of its planning process, the committee prepares a Judicial Master Program for each biennium which sets the goals, objectives and tasks for the North Dakota Judicial System during that biennium.

Much of the committee's efforts during 1987 were spent in completing the **Judicial Master Program for the Biennium Ending June 30, 1989.** This Judicial Master Program was based on the local judicial district plan submitted to the committee and the results of opinion surveys of the public and judicial system personnel as prepared by the Bureau of Governmental Affairs of the University of North Dakota.

The committee initiated a preliminary study of issues relating to gender fairness in the North Dakota legal system, through a Gender Fairness Study Assessment Study Subcommittee, chaired by Sarah Herman of Fargo.

In 1987 the Legislature approved legislation proposed by the Municipal Court Study Subcommittee, chaired by Calvin N. Rolfson of Bismarck, for improving municipal ordinance violation court services.

Joint Procedure Committee:

The Joint Procedure Committee, chaired by Justice H. F. "Sparky" Gierke, studies and revises the procedural rules of North Dakota, including the Rules of Civil Procedure, Criminal Procedure, Appellate Procedure, Evidence, and other rules of pleading, practice and procedure. The Committee proposes to the Supreme Court amendments to existing rules or, when appropriate, the adoption of new procedural rules.

The Joint Procedure Committee is composed of ten judges representing the judiciary, and ten attorneys representing the State Bar Association of North Dakota. DeNae H. M. Kautzmann serves as full-time staff counsel for the Committee.

Since publication of the bound volume of rules in 1986, the Committee has approved amendments to the Rules of Civil Procedure, Criminal Procedure, Appellate Procedure and Rules of Court. In addition, several explanatory notes were amended including the explanatory note to Rule 611, NDREv, which indicates that a trial judge may allow a child witness to use an anatomically correct doll if a proper foundation is laid. The Committee submitted the amendments to the North Dakota Supreme Court with a recommendation that they be adopted in the summer of 1987. The Supreme Court adopted the amendments in September of 1987 to be effective January 1, 1988.

The Committee is currently reviewing the discovery process in civil actions, Rule 3.2 motion practice, a special hearsay exception for minor victims of sex offenses and the use of video-taped depositions of minor victims of sex offenses.

Attorney Standards Committee:

The Attorney Standards Committee studies and reviews all rules relating to attorney supervision. Vern C. Neff of Williston chairs the Committee.

In 1983 the Committee initiated a major Professional Conduct Subcommittee study, chaired by Christine Hogan of Bismarck, of the American Bar Association Model Rules of Professional Conduct, in cooperation with the State Bar Association of North Dakota and the North Dakota Trial Lawyers' Association. The study was completed in 1986 and recommended by the committee and the State Bar Association of North Dakota to the North Dakota Supreme Court for review. In 1987, the North Dakota Supreme Court approved the new North Dakota Rules of Professional Conduct effective January 1, 1988.

In 1984 the committee and the Disciplinary Board of the North Dakota Supreme Court appointed a special committee, chaired by Mark Stenehjem of Williston, to conduct a study of the lawyer discipline process in North Dakota. In 1987 the committee approved a revised proposal for substantial revision of the North Dakota Rules of Lawyer Disability and Discipline for Supreme Court review.

In 1985, the Attorney Standards Committee initiated a study of an Interest on Lawyers Trust Account Program (IOLTA) for North Dakota. The report and proposed administrative rule to implement the IOLTA program in North Dakota was submitted in 1986 to the North Dakota Supreme Court. In 1987, the Supreme Court approved the IOLTA program as Adminstrative Rule 24. The IOLTA program requires that lawyers place client funds in interest bearing trust accounts. The interest generated from such accounts would be remitted either to the client, if feasible, or to the North Dakota Bar Foundation for use in supporting civil legal service programs for the poor and other related projects.

At the request of a Subcommittee on Standards for Imposing Lawyer Sanction, chaired by Thomas Wentz of Minot, in 1987 the committee recommended standards for imposing lawyer sanctions in disciplinary matters to the North Dakota Supreme Court for review.

Judiciary Standards Committee:

The Judiciary Standards Committee, chaired by Jane Voglewede of Fargo, studies and reviews all rules relating to the supervision of the judiciary including judicial discipline, judicial ethics, and the judicial nominating process.

During 1987, the Committee proposed a revision of Rule 7 regarding the campaign and political conduct of judges of the Rules of Judicial Conduct for Supreme Court review.

Court Services Administration Committee:

The Court Services Administration Committee studies and reviews all rules and orders relating to administrative supervision of the North Dakota Judicial System. It is chaired by William A. Strutz of Bismarck.

The 1987 Legislature approved legislation to establish a court

of appeals in North Dakota, following legislation prepared by the Future Appellate Services Study Subcommittee, chaired by Representative William Kretschmar of Venturia. The North Dakota Supreme Court adopted a committee-recommended Administrative Rule 27 to aid in the implementation of the court of appeals.

Through the County Court and Clerk of District Court Funding Study Subcommittee, chaired by Judge Jonal Uglem of Hillsboro, the committee continued the study of court fines and costs in cooperation with the North Dakota Association of Counties.

Through the Court Records Management Study Subcommittee, chaired by Ted Gladden of Bismarck, the committee approved the subcommittee proposed North Dakota Clerk of Court Manual to establish uniform and efficient recordkeeping forms and procedures for clerks of district court and county court in North Dakota. The subcommittee continued its study of recordkeeping procedures for child support proceedings.

Through the Personnel Subcommittee, chaired by Professor Marcia O'Kelly of Grand Forks, the committee completed a study of the place and due process procedures for "at pleasure" status employees in the North Dakota Judicial System and submitted its report to the North Dakota Supreme Court for review.

The 1987 Legislature adopted the committee prepared Legislative Council study resolutions relating to sentencing statutes in North Dakota and appellate procedure from decisions of agencies not included in the Adminstrative Agencies Practices Act. The legislature also approved legislation to permit the Supreme Court to designate officials to administer oaths and to provide respondent anonymity in mental health commitment proceeding appeals in the North Dakota Supreme Court.

Personnel Advisory Board

The Personnel Advisory Board was created by the Supreme Court on January 21, 1982, and reconstituted by the Supreme Court on July 27, 1984. The board consists of the state court administrator, three district court employees, and three supreme court employees. The state court administrator is an ex officio member of the board while the other six employees are appointed to the board by the chief justice. The chief justice also designates the chairperson of the board from among its membership.

The board serves as an advisory body to the chief justice and the Supreme Court; it has no independent decisionmaking authority. In this capacity the board has two primary functions:

1) To develop personnel policies for the North Dakota Judicial System; and
2) To serve as a review board for employee grievances, reclassification requests, and other personnel matters.

During 1987 most of the board's time and energy were consumed with studying the judiciary's pay and classification system. As part of its study, the board conducted a survey to determine the accuracy and completeness of job descriptions and examined the distinctions among the various job classes. It also reviewed salary administration problems prevalent in the judiciary and examined methods that other public sector agencies have utilized to resolve similar problems. It pilot tested a performance evaluation system for judicial system employees in the spring. Based on this pilot test, several changes were made in the board's proposed evaluation system.

In exercising its review function, the board conducted seven reclassification reviews during 1987 and recommended that all but one of the reclassification requests be granted. The chief justice followed the board's recommendation in all seven cases.

Judicial Training Committee

The Judicial Training Committee is a committee of the North Dakota Judicial Conference. It has fourteen members representing a cross-section of judges and court personnel. Judge Larry Hatch, a district court judge in the South Central Judicial District, is the current chairman of the committee.

The committee is primarily responsible for providing seminars and other educational tools which meet the professional needs of judges and court personnel of the North Dakota Judicial System.

In addition to its program development function, the committee also has a variety of other duties. They include:

1) Development of a biennial training budget for in-state and out-of-state training programs;
2) Monitoring training costs and programs to promote cost effectiveness;
3) Designation of approved out-of-state professional development programs and sponsors; and
4) Drafting and reviewing appropriate legislation and court rules relating to judicial training.

During 1987 the judicial system conducted or co-sponsored eight seminars. These seminars were attended by 340 judges and court personnel. This compares to four programs conducted in 1986 for 181 judges and court personnel and 11 programs in 1985 for 44 judicial system personnel. Although 1987 was better than 1986, the judicial system still hasn't reached its previous levels of programming for judges and court personnel.

As a result of cutbacks in its 1987-89 biennial budgetary proposal, the committee adjusted its programs for the 1987-89 biennium to reflect available resources. It also reviewed and approved a schedule of programs for calendar year 1988.

Council of Presiding Judges

The Council of Presiding Judges consists of the presiding judge of each of the seven judicial districts with the chairman being named by the chief justice. Present members of the council are:

Presiding Judge Benny A. Graff
Presiding Judge Maurice R. Hunke
Presiding Judge Wallace D. Berning
Presiding Judge James H. O'Keefe
Presiding Judge Kirk Smith
Presiding Judge Norman J. Backes
Presiding Judge Robert L. Eckert

During 1987, Chief Presiding Judge The Honorable A. C. Bakken retired and The Honorable Benny A. Graff was appointed by the Chief Justice as Chief Presiding Judge.

The role of the Council of Presiding Judges centers primarily in the area of budgets and caseloads with the responsibility for ensuring the business of the courts is handled with dispatch and efficiency. The council meets on call of the chairman. In attendance at each meeting is the chief justice, the state court administrator, and the trial court administrators. The state court administrator staff accesses staff to the council.

In 1987, the Council of Presiding Judges met six times. At each meeting there was a review of the district court budgets as they related to the legislative appropriation in the various program areas within the district courts. During 1987, as the state legislature was in session, the early meetings of the council involved considerable time on making cost reductions to bring the district court budget request in line with moneys available from the state legislature.

Some other major issues that came before the presiding judges in 1987 were matters such as the cooperative agreement between the Department of Human Services and the Supreme Court which provided for reimbursement to the districts for child support cases heard by county judges and district court referees. Other issues considered by the Council of Presiding Judges was a proposal on employee discipline, salary adjustments due to reclassifications, the issue of transferring the responsibility for administering appropriated funds for payment of prosecution witness fees and expenses from the judiciary to the attorney general's office, equity pay increases for official court reporters, and proposed forms for uniform conditions for sentencing to the state prison or to probation.

North Dakota Legal Counsel for Indigents Commission

The North Dakota Legal Counsel for Indigents Commission is composed of seven members who are nominated by the North Dakota Association of Counties, the Chief Presiding District Court Judge, the Board of Governors of the State Bar Association of North Dakota, and the Attorney General, and appointed by the Chief Justice. Judge Gail Hagerty of Bismarck serves as chair of the commission.

The commission provides rules and guidelines for the administration of indigent defense services in criminal cases in North Dakota. It provides a mechanism for the resolution of counsel fee disputes between judges and court appointed attorneys or contract attorneys who are representing indigent defense in criminal, mental health, and juvenile cases. The commission also provides technical assistance concerning indigent defense services to judicial districts, counties, and municipalities.

The funds appropriated by the legislature for indigent defense services in criminal and juvenile proceedings in the district courts of North Dakota are administered by each of the seven judicial districts. Each county in the state is responsible for the funding of the indigent defense expenses that arise in the criminal and mental health proceedings in that county. Each city is responsible for funding the indigent defenses that arise in criminal cases in municipal court.

In 1987, the legislature approved legislation to clarify the responsibility of municipalities for funding the indigent defense costs incurred in appealing a municipal court decision to county court and to remove the requirement that state's attorneys seek court approval before initiating proceedings to recoup indigent defense costs from defendants who have acquired the means to reimburse the state or county.

The commission issued revised indigent defense procedure guidelines for use by all judges in the development of indigent defense counsel contracts.

Civil Legal Services Study Committee

The Civil Legal Services Study Committee, chaired by Judge Joel Medd of Grand Forks, in cooperation with the State Bar Association of North Dakota and the North Dakota Trial Lawyers Association, pursued its study of mechanisms for the future provision of civil legal services to the poor and near poor in North Dakota.

Constitutional Celebration Committee

The Constitutional Celebration Committee, chaired by Justice Herbert L. Meschke, was established to assist and encourage celebration of the bicentennial of the U.S. Constitution during 1987-1991 and celebration of the centennial of the North Dakota Constitution in 1989. The committee is made up of judges, attorneys, legislators, and civic leaders.

Committee projects developed for the bicentennial of the U.S. Constitution include a traveling exhibit linking the U.S. Constitution to the history of North Dakota, a program encouraging oral readings of the U.S. Constitution by groups, a ceremony in the Memorial Hall of the State Capitol on September 17, 1987, support of school civics competitions on the U.S. Constitution, and distribution of educational materials to schools and organizations.

Committee projects planned for the centennial of the North Dakota Constitution in 1989 include a traveling exhibit in cooperation with the State Historical Society, a ceremony in the Memorial Hall of the State Capitol on February 22, 1989, distribution of copies of the North Dakota Constitution, and preparation of a history of the North Dakota Supreme Court.

Disciplinary Board

The Disciplinary Board of the Supreme Court has responsibility for handling complaints alleging unethical conduct by North Dakota attorneys.

There are seven lawyer and three non-lawyer members of the Board, as follows: Robert Vaaler, Grand Forks, Chairman; Mike L. Halpern, Glen Ullin, Vice Chairman; Richard Stern, Fargo; Dann E. Greenwood, Dickinson; Lewis C. Jorgenson, Devils Lake; J. Michael Nilles, Fargo; Maynard Sandberg, Minot; Charles R. Volk, Bismarck; Al. Wahl, Williston, Robert C. Heinley, Carrington; Luella Dunn, Clerk of the Supreme Court, serves as the secretary for the Board. Disciplinary Counsel is Vivian E. Berg.

Complaints against attorneys are docketed by the secretary and forwarded to the chairman and either to the chairman of Inquiry Committee East or Inquiry Committee West of the State Bar Association. An investigation is then conducted by a member of the respective committees or disciplinary counsel. All parties to a complaint have the right to appear before the Inquiry Committee.

The Inquiry Committee may dismiss or may recommend discipline to the Disciplinary Board. The Board may also dismiss, or it may issue a private reprimand, in which event the attorney may request a formal hearing. If the Disciplinary Board recommends a public reprimand, suspension, or disbarment, the matter proceeds much as a civil case. It is heard generally by a three-member hearing panel, although it may be set before a hearing officer or the Board en banc.

A hearing panel may also dismiss or refer to the Disciplinary Board for private reprimand. If a greater sanction is recommended, the matter is presented to the Supreme Court with briefs and oral argument. Review is de novo on the record and the standard of proof for the Disciplinary Board is clear and convincing evidence.

A review of complaints for the period January 1, 1982, through April 30, 1987, was made for a conference program and provides the following insights into a North Dakota profile. Of 31 lawyers privately disciplined for the period, 9 had prior discipline; of 20 lawyers publicly disciplined, 12 had prior discipline. Private discipline showed a fairly constant figure for ages 31-45; then the numbers drop off, becoming fairly constant again for ages 46-70. The heavy period for private discipline is 0-10 years in practice. More serious discipline fell in the midranges, ages 41-60 and 11-25 years in practice. For both private and public discipline, property transactions, probate, and divorce formed the big three areas of practice from which the complaints arose.

Following is a summary of complaints handled by the Disciplinary Board in 1987.

SUMMARY OF DISCIPLINARY BOARD COMPLAINTS FOR THE YEAR 1987

New complaints filed for the period	144
Number of complaints pending at end of 1986:	
Informal	59
Formal	23
TOTAL	226
Disposition of Complaints:	
Dismissed by Inquiry Committee	111
Dismissed by the Disciplinary Board	3
Dismissed by Hearing Panel	2
Private Reprimand	2
Public Reprimand	2
Suspension	3
* Disbarment	10
Disciplinary Proceedings instituted and pending	17
**Complaints pending 12/31/87	76
TOTAL	226

** Six complaints led to the disbarment of one lawyer; another involved in some of the complaints was transferred to disability inactive status; two complaints each led to the disbarment of two lawyers.*

*** Includes both those complaints open before an Inquiry Committee and those referred by an Inquiry Committee to the Disciplinary Board.*

Judicial Conduct Commission

The Judicial Conduct Commission was established by the legislature in 1975 with the enactment of Chapter 27-23 of the North Dakota Century Code. It is empowered to investigate complaints against any judge in the state and to conduct hearings concerning the discipline, removal, or retirement of any judge.

The seven members of the Commission include one district judge, one county judge, one attorney, and four citizen members. Members of the Commission are Louise Sherman, Dickinson, Chairman; Ernest Pyle, West Fargo, Vice Chairman; Janet Maxson, Minot; Nathan Paul Goodiron, Bismarck; Honorable Gary A. Holum, Minot; Honorable William F. Hodny, Mandan; and Fred E. Whisenand, Williston. The Clerk of the Supreme Court, Luella Dunn, is secretary for the Commission. Staff Counsel is Vivian E. Berg.

Complaints against judges are filed with the Commission's secretary, who acknowledges their receipt and forwards them to staff counsel for investigation. The judge against whom the complaint is filed is given notice and provided an opportunity to present such matters as he or she may choose.

By far the majority of complaints are dismissed as being without merit. However, the Commission may issue a private censure or direct that formal proceedings be instituted. If formal proceedings are instituted, the matter may be heard by the Commission or by a master or masters appointed by the Supreme Court.

The following table summarizing the nature and disposition of complaints in 1987 suggests that many complaints reflect matters properly the subject of appellate review.

JUDICIAL CONDUCT COMMISSION
SUMMARY OF COMPLAINTS
FOR THE YEAR 1987

New complaints filed for the above period	24
General nature of new complaints filed:	
Failure to Comply with the law	4
Improper conduct	8
Biased decision	5
Failure to afford complainant due process	4
Alleged outside influence	2
Conflict of interest	1
TOTAL	24
Complaints carried over from previous year	14
Total complaints for consideration	38
Disposition of Complaints:	
Dismissed	26
Private Censure	3
Complaints Pending 12/31/87	9
TOTAL	38

Of the new complaints filed in 1987:

10 were against county judges
12 were against district court judges
2 were against municipal judges

State Bar Board Annual Report - 1987

The North Dakota State Bar Board which was created by statute in 1919, is a three-member board comprised of resident, licensed members of the Bar of North Dakota. Each member is appointed by the Supreme Court from a list of members of the State Bar Association and serves a six-year term. John D. Kelly of Fargo, Malcolm H. Brown of Mandan and Gerald D. Galloway of Dickinson are the present Board members. Pursuant to statute, Luella Dunn, Clerk of the Supreme Court, is designated ex-officio secretary-treasurer of the Board.

The Board is responsible for the annual licensing of judges and attorneys. If an attorney is suspended or disbarred by Order of the Supreme Court, he or she is not eligible for licensure. In 1987, 1,562 judges and attorneys were issued a license to practice law in North Dakota. In comparison, 1510 licenses were issued in 1986. Of those attorneys licensed in 1987, 212 were female.

A review of records indicates the first woman admitted to the Bar of North Dakota was Ida Crum in 1897. Up until the early 1970's, there were three or four active women attorneys in the state. Women comprise 30% to 35% of the attorneys admitted in the state since 1975. Of those, Ella Van Berkom still has an active practice in Minot.

Applicants for admission to the Bar of North Dakota are examined as to their legal ability and character and fitness to practice law. The North Dakota state bar examination consists of the Multistate Bar Examination and the North Dakota Essay Examination. The Multistate Bar Examination covers the subjects of Constitutional Law, Contracts, Criminal Law, Evidence, Torts and Real Property. The North Dakota Essay Examination covers the subjects of Practice and Procedure; Equity; Business Associations; Commercial Transactions; Family Law; and Wills, Estates, and Trusts. As a requirement for admission, applicants for admission by examination must also pass the Multistate Professional Responsibility Examination by achieving a scaled score of 80 or more. This is a national exam given three times yearly at the University of North Dakota Law School.

The Board offered a February and July examination in 1987. Statistics for the 1987 bar examinations follow:

Exam	# Applicants	# Successful % Successful	# UND Grads.	# Successful % Successful
2-87 Exam	12	11/91%	7	7/100%
7-87 Exam	65	60/92%	59	55/93%

Seventy-seven individuals were admitted to the North Dakota Bar in 1987. Six of the 77 were admitted on motion, having been actively engaged in the practice of law in another state.

Judicial Conference

The North Dakota Judicial Conference was originally established as an arm of the judicial branch of state government in 1927. At that time, the organization was known as the North Dakota Judicial Council. Present statutory language covering the Judicial Conference is found in Chapter 27-15, NDCC, as amended in 1985.

There are currently seventy-four members of the Judicial Conference. As ex officio members, the conference consists of all Supreme Court Justices, District Court Judges, and County Court Judges. Other ex officio members are the Attorney General, the Dean of the University of North Dakota School of Law, and the Clerk of the North Dakota Supreme Court. Other members of the Conference include two judges of the Municipal Courts, as appointed by the Municipal Judges Association, and five members of the North Dakota Bar Association, who are appointed by the Bar Association. All Surrogate Judges, as appointed by the Supreme court under Section 27-17-03, NDCC, are also Conference members.

All ex officio members of the Conference serve during the time they occupy their respective official positions. The term of office of the two Municipal Judges is two years. The term of office for the five members of the bar is five years. Vacancies on the Judicial Conference are filled by the authority originally selecting the members.

The State Court Administrator serves as the Executive Secretary of the Judicial Conference.

The officers of the Judicial Conference consist of the chairman and chairman-elect, who are selected for a term of two years by the members of the Conference. In addition, there is an executive committee consisting of the Chairman, Chairman-elect, a Justice of the Supreme Court elected by the Supreme Court, a District Judge elected by the Association of District Judges, and a County Judge elected by the Association of County Judges.

Under North Dakota law, the Judicial Conference is required to meet twice each year. These meetings are usually held in June and November. Special meetings, however, may be called by the chairman. While members of the Judicial Conference are not compensated for their services, they are reimbursed for their expenses while discharging their Conference duties.

The Judicial Conference has four major duties. They are:

1. Solicit, receive, and evaluate suggestions relating to the improvement of the administration of justice.
2. Consider and make recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system.
3. Coordinate continuing judicial education efforts for judges and support staff.
4. Establish methods for review of proposed legislation which may affect the operation of the judicial branch.

To support the activities of the full conference, there has been created by Conference bylaws the following standing committees:

1. Program Planning Committee. Judge Jonal H. Uglem, Chairman
2. Committee on Legislation. Justice Herbert L. Meschke, Chairman
3. Committee on Judicial Salary and Retirement. Justice H.F. Gierke, Chairman
4. Committee on Courts with Limited Jurisdiction. Judge Harold B. Herseth, Chairman
5. Committee on Judicial Training. Judge Larry Hatch, Chairman

The conference has also created a special committee known as the Judicial Immunity Committee chaired by District Judge Kirk Smith and the Jury Management Committee, chaired by District Judge Jon Kerian.

Committee membership results from appointment by the chairman after consultation with the executive committee of the Judicial Conference. The bylaws provide that non-conference members can serve on either standing or special committees.

The officers and executive committee of the Judicial Conference are as follows:

Judge William A. Neumann, Chairman
Judge Jonal H. Uglem, Chairman-elect
Justice Gerald W. VandeWalle, Executive Committee
Judge Lee A. Christofferson, Executive Committee
Judge James Bekken, Exective Committee

NORTH DAKOTA JUDICIAL CONFERENCE

Justices of the Supreme Court
Ralph J. Erickstad

Gerald W. VandeWalle
H.F. Gierke III

Beryl J. Levine
Herbert L. Meschke

Judges of the District Courts

South Central District
*Benny A. Graff
Gerald G. Glaser
Dennis A. Schneider
Wm. F. Hodny
Larry M. Hatch

Southwest District
*Maurice R. Hunke
Allan L. Schmalenberger
Donald L. Jorgensen

Northwest District
*Wallace D. Berning
Everett Nels Olson
Jon R. Kerian
Wm. M. Beede
Bert L. Wilson

Southeast District
*Robert L. Eckert
John T. Paulson
Gordon O. Hoberg

Northeast District
*James H. O'Keefe
William A. Neumann
Lee A. Christofferson

Northeast Cent District
*Kirk Smith
Joel D. Medd
Bruce E. Bohlman

East Central District
*Norman J. Backes
John O. Garaas
Lawrence A. Leclerc
Michael O. McGuire

Judges of the County Courts

James M. Bekken
Tom W. Beyer
Donald Cooke
Donavan J. Foughty
M. Richard Geiger
Donavin L. Grenz
F. Gene Gruber
Gail Hagerty
Harold B. Herseth
Ronald L. Hilden
Robert W. Holte
Gary A. Holum
Lester S. Ketterling
Frank J. Kosanda
Bayard Lewis
John C. McClintock
Wm. W. McLees
Thomas Metelmann
Gary D. Neuharth
Burt L. Riskedahl
Cynthia Rothe
Thomas J. Schneider
Orville A. Schulz
Mikal Simonson
Gordon Thompson
Lowell O. Tjon
Jonal H. Uglem

Judges of the Municipal Courts

Marian Schatz
Emmanuel Kempel

Surrogate Judges of the Supreme & District Courts

Wm. L. Paulson
Vernon R. Pederson
Eugene A. Burdick
Douglas B. Heen
A.C. Bakken
Roy A. Ilvedson

Attorney General Nicholas J. Spaeth
Clerk of the Supreme Court Lu Dunn
Dean of the UND School of Law Jeremy Davis

Members of the Bar

J. Philip Johnson
Patrick J. Maddock
Walfrid B. Hankla
Charles A. Feste
Paul G. Kloster

Executive Secretary
William G. Bohn

*Denotes Presiding Judge

11/23/87
74 Members

JUDICIAL BRANCH

Bismarck, North Dakota

COMBINED STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES — ALL GOVERNMENTAL FUND TYPES AND EXPENDABLE TRUST FUNDS

For the Fiscal Years Ended June 30, 1987 and 1986

	GOVERNMENTAL FUND TYPES GENERAL		FIDUCIARY FUND TYPE EXPENDABLE TRUST	
	1987	1986	1987	1986
REVENUE:				
Auxiliary Service Fees	$ 11,700	$ 12,100		
Copier Revenue	4,967	4,549		
Recoupments	33,900	35,254		
Federal Revenue	8,364	11,565		
State Bar Association Assessments	45,000	15,000		
Miscellaneous	5,212	9,305		
Judges Retirement Assessments			$ 11,233	$ 10,740
Interest Income			187	248
Total Revenue	$ 109,143	$ 87,773	$ 11,420	$ 10,988
EXPENDITURES:				
Salaries & Wages	$ 6,912,715	$ 6,703,431		
Retirement Benefits	374,108	351,529		
Operating Expenses	2,105,505	2,111,891		
Data Processing	38,033	31,134		
Equipment	243,715	49,985		
Judges Retirement Benefit Payments			$ 18,954	$12,293
Total Expenditures	$ 9,674,076	$ 9,247,970	$ 18,954	$ 12,293
Excess of Revenue Over (Under) Expenditures	$ (9,564,933)	$ (9,160,197)	$ (7,534)	$ (1,305)
OTHER FINANCING SOURCES (USES):				
Transfers to State General Fund	$ (55,779)	$ (59,607)		
Transfers from State General Fund	9,620,712	9,219,804		
Total Other Financing Sources (Uses)	$ 9,564,933	$ 9,160,197	$ -0-	$ -0-
Excess of Revenue and Other Sources Over (Under) Expenditures and Other Uses	$ -0-	$ -0-	$ (7,534)	$ (1,305)
Fund Balance-July 1	$ -0-	$ -0-	$ 179,386	$ 180,691
Fund Balance-June 30	$ -0-	$ -0-	$ 171,852	$ 179,386

The accompanying notes are an integral part of the financial statements.